



**Pyrenees**  
Shire Council

# Minutes

## Ordinary Meeting of Council

6:00pm Tuesday 18 August 2020  
Virtual Meeting

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**1. WELCOME MEMBERS OF PUBLIC**

Mayor Cr Tanya Kehoe welcomed all to the meeting.

**PRESENT**

**Mayor:** Cr Tanya Kehoe

**Councillors:** Ron Eason, David Clark, Robert Vance, Damian Ferrari

**Chief Executive Officer:** Jim Nolan

**Director Asset and Development Services:** Douglas Gowans

**Director Corporate and Community Services:** Kathy Bramwell

**Information Systems Officer:** Shaun Elliott (IT)

**EA to CEO and Councillors:** Jane Bowker (Minute Taker)

**2. STREAMING PREAMBLE**

Mayor Cr Tanya Kehoe read the livestream preamble.

**3. OPENING PRAYER**

The Mayor read the opening prayer.

**4. ACKNOWLEDGEMENT OF COUNTRY**

The Mayor acknowledged the people past and present of the Wadawurrung, Dja Dja Wurrung, Djab Wurrung and Wotjbaluk tribes, whose land forms the Pyrenees Shire.

**5. APOLOGIES**

Nil

**6. NOTICE OF DISCLOSURE OF INTEREST BY COUNCILLORS AND OFFICERS**

Nil

**7. CONFIRMATION OF PREVIOUS MINUTES**

**CR CLARK / VANCE**

That the Minutes of the:

- Ordinary Meeting of Council held on 21 July 2020; and
- Closed Meeting of Council held 21 July 2020

as previously circulated to Councillors be confirmed.

**CARRIED**

**8. BUSINESS ARISING**

There was no business arising from the previous meeting held 21 July 2020.

**9. PUBLIC PARTICIPATION**

There were no questions received from the public to consider.

## 10. ITEMS FOR NOTING

### ASSET AND DEVELOPMENT SERVICES

#### 10.1. PLANNING AND DEVELOPMENT REPORT

**Katie Gleisner – Manager Planning and Development**

**Declaration of Interest:** As author of this report I have no disclosable interest in this item.

**File No:** 66/02/02 – 08/02/02 – 50/24/02 – 46/02/02

#### PURPOSE

The purpose of this report is to provide Council with an update on activities within the Planning and Development Department, during July 2020.

This report includes four parts:

- Part A: Planning
- Part B: Building
- Part C: Environmental Health
- Part D: Community Safety and Amenities

#### PART A: PLANNING

The planning activity statistics for June and July 2020 are summarised in the table below:-

| Activity                         | June 2020   | July 2020   | Financial Year to date |
|----------------------------------|-------------|-------------|------------------------|
| Applications received            | 16          | 17          | 17                     |
| Applications completed           | 4           | 10          | 10                     |
| Number of referrals              | 2           | 2           | 2                      |
| Requests for further information | 4           | 5           | 5                      |
| Estimated cost of works          | \$3,109,819 | \$2,135,809 | \$2,135,809            |

| General Enquiries           |            |            |                        |
|-----------------------------|------------|------------|------------------------|
| Enquiry Type                | June 2020  | July 2020  | Financial Year to date |
| Pre-purchase enquiry        | 42         | 62         | 62                     |
| Pre-application enquiry     | 78         | 63         | 63                     |
| Existing permit enquiry     | 12         | 16         | 16                     |
| Current application enquiry | 18         | 6          | 6                      |
| All other enquiries         | 31         | 33         | 33                     |
| <b>Total Enquiries</b>      | <b>181</b> | <b>180</b> | <b>180</b>             |

#### STATUTORY PLANNING

July has demonstrated further investment and development within the shire, with a further 17 planning permit applications being made and 180 enquiries being received by the Statutory Planning Department.

## STRATEGIC PLANNING

### Drought Communities Funding

Design work for the Beaufort Lake Foreshore Project continues in collaboration with Council's Project Manager and a local landscape architect. A draft design layout will be available for further collaboration with stakeholders during August, and formally presented soon afterwards.

Design and costing details for 17 small infrastructure projects identified through the adopted Lexton, Snake Valley, and Waubra Framework Plans will be completed this month. These projects will see the first of the on ground elements of the plans being delivered.

### Planning Scheme Reform

The Planning Scheme Amendment for the Pyrenees Futures Framework Plans (C47) will be placed on public exhibition in the coming weeks. The coronavirus pandemic presents engagement challenges, however a range of methods will be utilised to ensure that the communities capacity to be informed and provide comment is not compromised.

### Rural Review

Quotations from consultants for the Rural Land Use Review will be sought in the coming weeks which will allow for commencement of the review. The review will use research and evidence to guide the growth and direction of Council's strategic planning; and likely result in refreshed and contemporary policy being incorporated into the Pyrenees Planning Scheme.

## PART B: BUILDING

### **Activity**

The building activity statistics as at 31/07/2020 are summarised in the table below:

| CATEGORY  | June 2020 | July 2020 | COMMENT   |
|---|-----------|-----------|---|
| Permits issued by private Building Surveyor             | 13        | 10        |   |
| 'Property Information Certificates' prepared and issued | 16        | 27        |   |
| 'Report and Consent' issued                             | 3         | 2         |   |
| Building Notices  | 0         | 0         |   |
| Building Order  | 0         | 0         |   |
| Resolved Building Notices                               | 0         | 0         |   |
| Resolved Building Orders                                | 0         | 0         |   |
| Direction to Fix Building Work                          | 0         | 0         |   |
| Building permit inspections undertaken                  | 2         | 2         |   |
| Council issued permits finalised                        | 1         | 1         | ** Council has not issued building permits since June 2018. |

**KEY PROJECTS & COMPLIANCE**

The Building Department continues to work with property owners who have constructed buildings without the required approvals. Two matters were resolved this month following the removal of illegal structures, eliminating the risk to life and property.

**Council plan / legislative requirements**

- Council Plan 2013-2017
- *Building Act* 1993
- Building Regulations 2018

**Financial / risk implications**

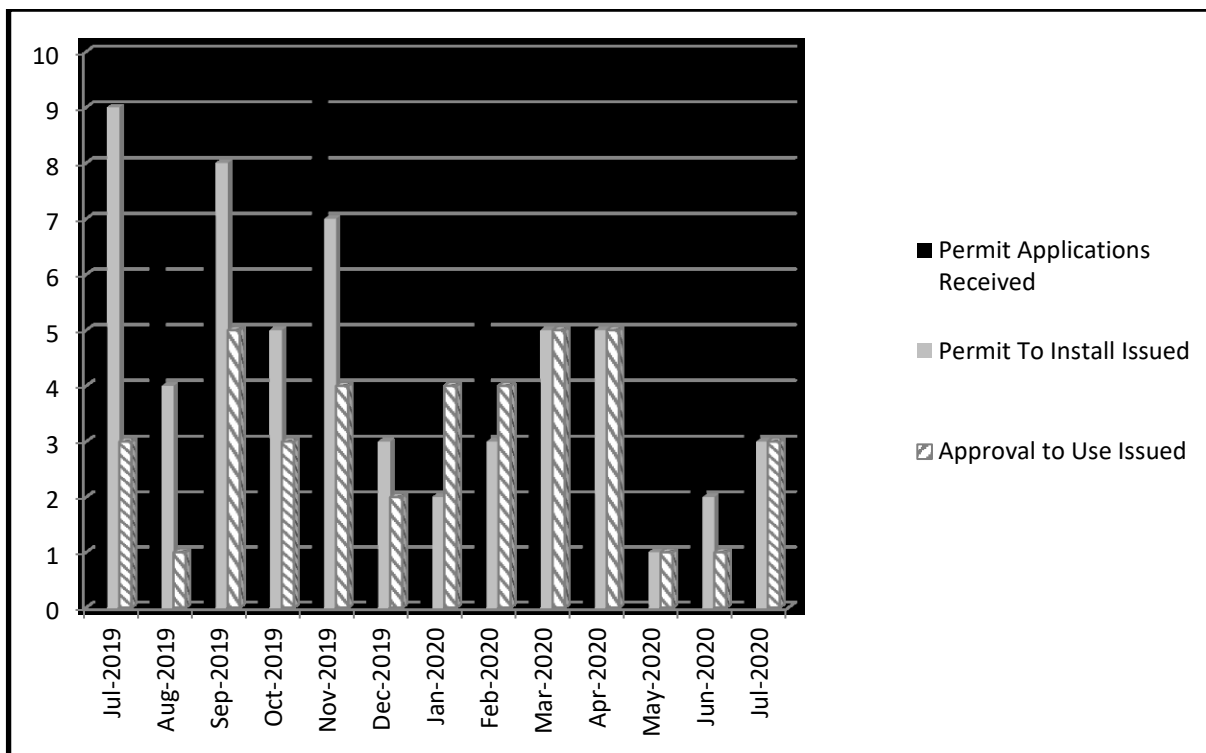
The Municipal Building Surveyor must have regard to any relevant guidelines under the *Building Act* 1993 or subordinate regulations. The building services department must ensure that a responsive service is provided that meets the demand of the building industry within the municipality.

PART C: ENVIRONMENTAL HEALTH

**Activity: Wastewater**

| Period               | Applications to Install or Alter Septic Tanks Received | Permits to Install or Alter Issued | Approval to Use Issued | Fees Paid |
|----------------------|--|------------------------------------|------------------------|-----------|
| 1st – 31st July 2020 | 4  | 3                                  | 3                      | \$1,365   |

Wastewater activity statistics for July 2020



Monthly wastewater activity (July 2020)

| Wastewater related tasks for July 2020          |    |
|---|----|
| Septic Tank Inspections                         | 7  |
| Domestic Wastewater Management Plan Inspections | 3  |
| Domestic Waste Water Service Agent Reports      | 16 |

### Activity: Food, Health & Accommodation Premises

*Food Act 1984 and Public Health and Wellbeing Act 2008 Premises activity*

| Period               | New Premises, Transfers and Renewals | Routine Inspection, Assessments and Follow Ups | Complaints Received about Registered Premises | Food Recalls | Fees Paid |
|----------------------|--------------------------------------|--|---|--------------|-----------|
| 1st – 31st July 2020 | 1                                    | 21   | 0   | 11           | \$0       |

### Mobile and Temporary Food Premises in the Shire (Streatrader)

Due to the continued cancellation of most events and markets across the Shire, Streatrader activity has been minimal during July.

### Activity: Immunisations

Immunisation sessions in Beaufort and Avoca are not being conducted due to COVID-19 and individual appointments continue to be arranged through Council's Maternal Child Health nurse.

| Session Type | Number of Clients & Vaccines | 2 Month - 4+ Yr Old | Secondary School | Adult |
|--------------|------------------------------|---------------------|------------------|-------|
| July 2020    | Clients                      | 37                  | 2                | 1     |
|              | Vaccines                     | 79                  | 4                | 1     |

Immunisation activity statistics for July 2020

### Compliance Issues

Council received one Public Health and Wellbeing Act noise complaint during July.

### Council plan / legislative requirements

- Council Plan 2017-2021
- Domestic Wastewater Management Plan 2015-2018
- Food Act 1984
- Public Health & Wellbeing Act 2008
- Public Health & Wellbeing Regulations 2019
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010
- Tobacco Act 1987
- Environment Protection Act 1970
- EPA Code of practice – onsite wastewater management



### Financial / risk implications

The Environmental Health Officer (EHO) must work with regard to various legislative requirements with respect to Food Safety (*Food Act 1984*), Public Health (*Public Health & Wellbeing Act 2008, Environment Protection Act 1970*), Tobacco (*Tobacco Act 1987*) and Wastewater (*Environment Protection Act 1970, Domestic Wastewater Management Plan, Code of Practice for Septic Tanks*).

It is necessary for the EHO to adapt to any changes in regulations whilst still providing a service that meets the demands of residents within the municipality and complies with legislation.

### PART D: LOCAL LAWS AND ANIMAL CONTROL

#### ACTIVITY - Animals

|                             | June 2020 | July 2020 | Total YTD<br>(financial year) |
|-----------------------------|-----------|-----------|-------------------------------|
| Cats Registered             | 548       | 564       |                               |
| Dogs registered             | 2217      | 2308      |                               |
| Cats impounded              | 5         | 2         | <b>2</b>                      |
| Cats reclaimed              | 1         | 1         | <b>1</b>                      |
| Cats Euthanised             | 1         | 1         | <b>1</b>                      |
| Dogs impounded              | 0         | 2         | <b>2</b>                      |
| Dogs Reclaimed              | 0         | 2         | <b>2</b>                      |
| Dogs Euthanised/surrendered | 0         | 0         | <b>0</b>                      |
| Stock impounded             | 15        | 0         | <b>0</b>                      |

Registration and impoundment statistics

#### ACTIVITY - Infringements

| Infringement Type                 | June 2020 | July 2020 | Total YTD<br>(financial year) |
|-----------------------------------|-----------|-----------|-------------------------------|
| Domestic Animals Act              | 1         | 5         | <b>5</b>                      |
| Local Laws                        | 1         | 0         | <b>0</b>                      |
| Road Safety Act                   | 0         | 0         | <b>0</b>                      |
| Environment Protection Act        | 0         | 0         | <b>0</b>                      |
| Impounding of Livestock Act       | 0         | 0         | <b>0</b>                      |
| Other                             | 0         | 0         | <b>0</b>                      |
| <b>Total Infringements Issues</b> | <b>2</b>  | <b>5</b>  | <b>5</b>                      |
| Prosecutions                      | 0         | 0         | <b>0</b>                      |

Infringement statistics

- The Community Safety and Amenities Department has collaborated with the RSPCA and Victoria Police to inspect several properties where allegations of animal welfare have been raised.
- Outstanding pet registration renewals continue to be followed up.
- Properties containing un-permitted and illegal dwellings are currently being investigated in collaboration with the Planning, Building and Environmental Health Departments, to ensure that there is no risk to life, property or the environment.

### **Council plan / legislative requirements**

- Council Plan 2017-2021
- Domestic Animals Act 1994
- Domestic Animal Management Plan 2017-2021
- Environment Protection Act 1970
- Infringements Act 2006
- Impounding of Livestock Act 1994
- Road Safety Act 1986 / Road Safety Road Rules 2017
- Council General Local Law 2019

## **10.2. NEIGHBOURHOOD SAFER PLACES (NSP) COMPLIANCE**

**Douglas Gowans – Director Assets and Development Services**

**Declaration of Interest:** As author of this report I have no disclosable interest in this item.

**File No:** 28/08/10

### **PURPOSE**

The purpose of this report is for Council to note the outcome of the Neighbourhood Safer Places assessments for the coming 2020/21 fire season.

### **BACKGROUND**

Under section 50J of the Country Fire Authority Act (1958), a municipal council must, by 31 August each year, conduct a review of each designated NSP in its municipal district to determine if it is still suitable to be designated a NSP.

In conducting the annual review, Council must ask the Country Fire Authority (CFA) to assess each NSP in accordance with the CFA Assessment Guidelines.

A Neighbourhood Safer Place (NSP) is a space that:

- is a place of last resort for individuals to access and shelter in during a fire event affecting their neighbourhood - without the need to take a high risk journey beyond their neighbourhood;
- eliminates direct exposure to flames from a fire front and management of radiant heat to survivable levels; and
- should only be accessed when personal bushfire survival plans (for individual properties) cannot be implemented or have failed.

An NSP does not guarantee the survival of those who assemble there.

### **ISSUE / DISCUSSION**

Council currently has 9 designated NSPs in the following locations:

1. Lexton – Toll Bar Park
2. Waubra – Recreation Reserve
3. Beaufort – Wotherspoon Park
4. Snake Valley – St Brigid’s Church Reserve
5. Avoca – Medium Strip, High Street (between Russell & Cambridge Streets)
6. Moonambel – Recreation Reserve
7. Natte Yallock – Recreation Reserve
8. Redbank – Recreation Reserve
9. Landsborough – Recreation Reserve

All were assessed by the CFA in July 2020 as being compliant in accordance with CFA Assessment Guidelines.

### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Strategic Objective 3 - Community Connection and Wellbeing. We will engage with communities to provide responsive, efficient services that enhance the quality of life of residents and promote connected, active and resilient communities.

3.4 - Community Services - Increasing the liveability of our communities through the provision of efficient and responsive services.

## **ATTACHMENTS**

Nil

## **FINANCIAL / RISK IMPLICATIONS**

Council has an annual budget for the maintenance of the designated NSPs.

## **OFFICERS RECOMMENDATION**

That Council notes the outcome of Pyrenees Shire Council's Neighbourhood Safer Places assessment conducted by the Country Fire Authority.

### **10.3. COMMUNITY SATISFACTION SURVEY – REGULATORY SERVICES**

**Katie Gleisner – Manager Planning & Development**

**Declaration of Interest:** As author of this report I have no disclosable interest in this item.

**File No:** 44/10/04

#### **PURPOSE**

The purpose of this report is provide Council with additional context relevant to feedback received through the 2020 Community Satisfaction Survey; and to inform Council of the continued service delivery improvements that are being implemented within the Planning and Development team.

#### **BACKGROUND**

The Community Satisfaction Survey is an annual survey that is undertaken by JWS Research and involves cold calling random residents of the shire to seek feedback on a range of Council functions, including Planning and Building services. 400 participants contributed to the results which were presented to Council at the Ordinary Council Meeting of July 2020.

To provide additional context around the feedback received relevant to planning and building services, verbatim comments have been summarised below:

- Planning and Building permit approval times are too lengthy
- The approval process is difficult to understand
- Community require more assistance and support whilst navigating the approvals space
- Regulation makes it too hard to undertake development

#### **ISSUE / DISCUSSION**

The feedback received is valuable and reinforces Council's need to continue to implement process improvement measures within the Planning and Development team. It also highlights an information gap when it comes to the communities understanding of Council's role as a *Responsible Authority* and the services that we deliver.

An example of this information gap was demonstrated in the numerous references made about the time it takes to obtain a building permit through Council. This service was discontinued in July of 2018, however the perception that the process is unnecessarily slow remains and highlights the need for Council to clarify this misunderstanding amongst the community.

The Planning and Development team acknowledges the frustrations expressed by the community around timeframes associated with planning approvals and is actively implementing systems to improve the level of service provided. These improvements will include the introduction of *Greenlight*, which provides a case management system that will streamline planning and building processes, whilst providing the client/developer with access to monitor and track the progress of their application. *Greenlight* also provides a platform for communication between officers and developers. The rollout of *Greenlight* has commenced and will be completed by October 2020.

In addition to the introduction of *Greenlight*, the *Rotating House – Do I Need A Permit* program was launched in June. This program provides the property owners and developers with an online tool, to assist in determining when a permit or approval is required for a range of uses and developments. The program provides advice to users on how they can obtain further information, lodge permit applications and contact Council officers. This program currently only provides information around planning and building requirements, however will be expanded over the coming months to include permit requirements under Council's General Local Law and Environmental Health legislation.

The Planning and Development team has temporarily redeployed an existing officer, who will be focused on implementing a range of improvements to the Planning and Development area of Council. These improvements will include the review of and implementation of new policy and operational procedures, the expansion of existing information platforms, the development of further education and information material and the introduction of an online payment portal, which will streamline the permit application process.

Continued investment and development within the shire throughout the 2019/2020 financial year, saw a 1.5 FTE planning officer resource, assess and process 109 planning permit applications, whilst requesting additional information for 53 of these and responding to 1922 planning related enquiries. Of the 109 permit applications, 92.5% were processed within 60 days in accordance with the *Planning and Environment Act* timeframes. The remaining 7.5% were complex matters that were decided upon by Council at a Council meeting, which often meant that the timeframes were slightly exceeded.

The Planning and Development team recognise the need to further inform the community around the statutory elements associated with land use and development approvals. There is a need to reiterate that the approval requirements and associated processes are governed by state government policy and legislation which has been designed to ensure community safety, whilst protecting social, environmental and economic values. Further, work needs to be undertaken to address the perception of 'red tape' and clarify the communities understanding of Council's regulation role.

#### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Strategic Objective 5 - Development and Environment. We will undertake forward planning, and facilitate growth in our local economy while protecting key natural and built environmental values.

#### **ATTACHMENTS**

Nil

#### **FINANCIAL / RISK IMPLICATIONS**

All initiative identified within this report are being funded and delivered with existing resources

#### **CONCLUSION**

The Planning and Development team are committed to improving the relationship it has with the Pyrenees community and welcomes the constructive feedback that has been captured in the 2020 Community Satisfaction Survey.

Efforts to identify and implement initiatives will continue to be undertaken by the team to ensure an improved level of service can be provided to the community and other stakeholders.

#### **OFFICER RECOMMENDATION**

|                                |
|--------------------------------|
| That Council notes this report |
|--------------------------------|

## CORPORATE AND COMMUNITY SERVICES

### 10.4. CUSTOMER ACTION REQUESTS (CARS) – JULY 2020

**Kathy Bramwell – Director Corporate and Community Services**

**Declaration of Interest:** As author of this report I have no disclosable interest in this item.

**File No:** 16/08/04

#### PURPOSE

The purpose of this report is to update Council on requests made through the Customer Action Request System (CARS) for the month of July 2020.

#### BACKGROUND

Council has operated an electronic Customer Action Request System (CARS) for several years enabling residents to lodge service requests. Requests can be lodged in person, via telephone, via Council's website or by using a smart phone "Snap Send Solve" application.

Service requests are received for operational issues regarding maintenance, pools, local laws, building maintenance and compliance matters. The system is also used for internal telephone messaging and case management of some matters (primarily local laws, dogs, and cats).

#### ISSUE / DISCUSSION

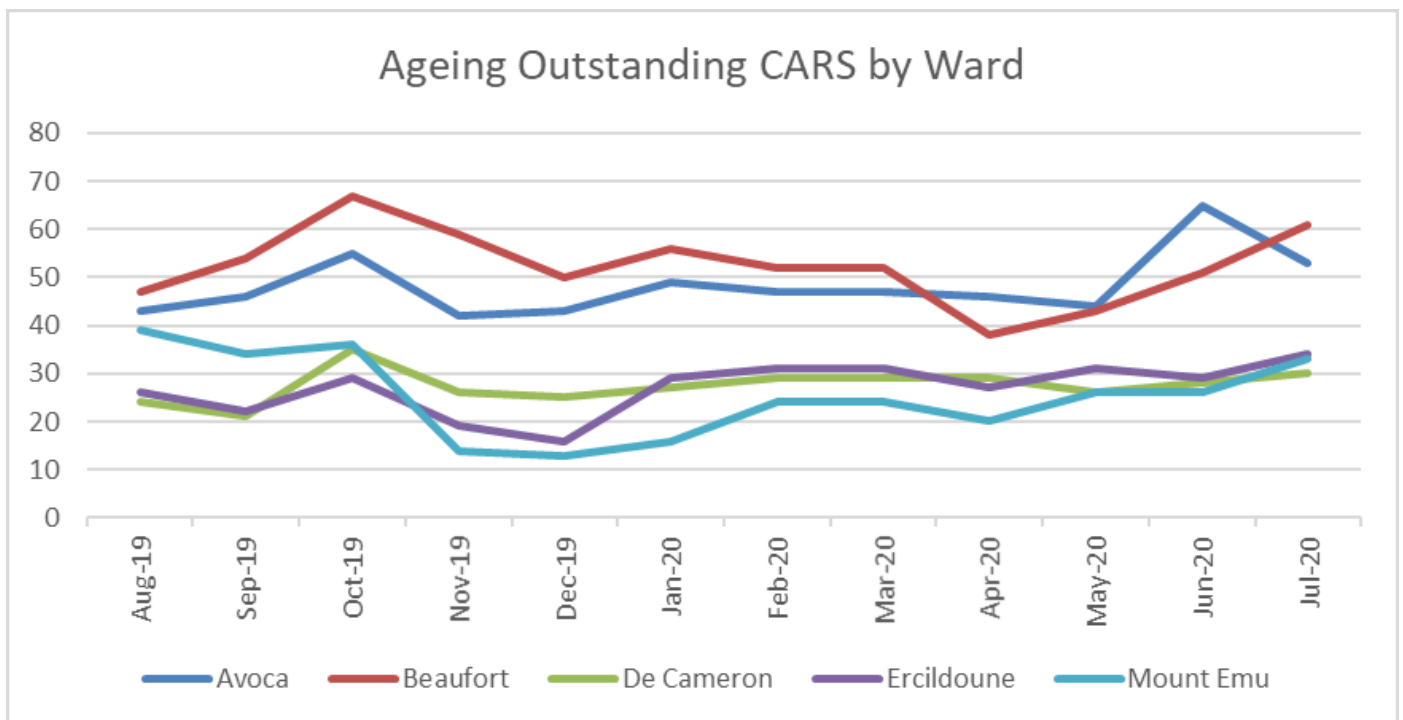
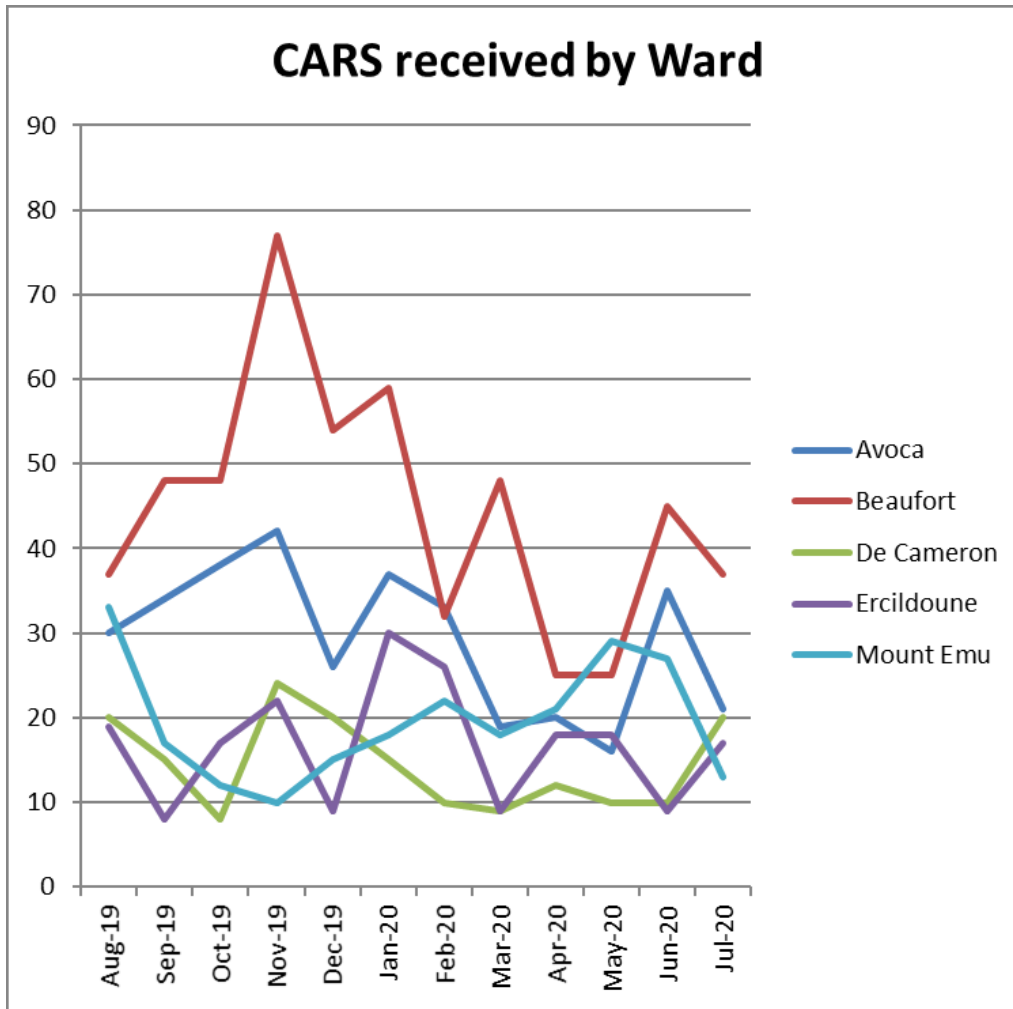
333 customer action requests were received in July 2020, of which 225 related to telephone messages. The number of telephone messages continues to increase reflecting the number of staff working from home due to COVID-19.

249 requests were closed during the month resulting in 282 outstanding. 55 telephone messages remain outstanding.

#### Requests by Ward:

The following table shows an overview of requests received and outstanding by Ward. Requests received over and above these numbers relate to telephone messages which are not allocated by Ward.

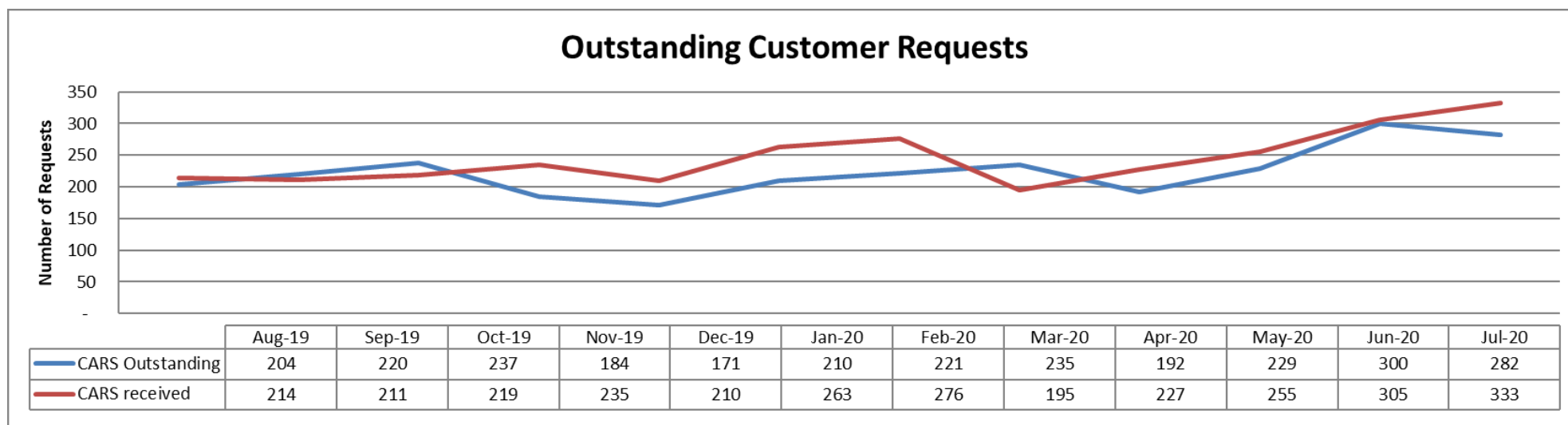
|   | Avoca Ward | Beaufort Ward | De Cameron Ward | Ercildoune Ward | Mount Emu Ward |
|---|------------|---------------|-----------------|-----------------|----------------|
| Number of Requests received in July 2020 (last month) | 21 (35)    | 37 (45)       | 20 (10)         | 17 (9)          | 13 (27)        |
| Requests received in July still outstanding           | 13         | 19            | 9               | 12              | 3              |
| Outstanding requests older than 1 month               | 33         | 29            | 20              | 23              | 23             |
| Total outstanding requests (last month)               | 53 (65)    | 61 (51)       | 30 (28)         | 34 (29)         | 33 (26)        |





**Total Customer Action Requests:**

| Outstanding requests by age  |            |            |            |            |            |            |            |            |            |            |            |            |            |
|------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Year                         | Aug-19     | Sep-19     | Oct-19     | Nov-19     | Dec-19     | Jan-20     | Feb-20     | Mar-20     | Apr-20     | May-20     | Jun-20     | Jul-20     | % Change   |
| 2016                         | -          | -          | -          | -          | 4          | 4          | -          | -          | -          | -          |            |            |            |
| 2017                         | 2          | 2          | 2          | 1          | 5          | 5          | 2          | 2          | 1          | 1          | 1          | 1          | 0%         |
| 2018                         | 14         | 13         | 13         | 6          | 5          | 5          | 5          | 5          | 4          | 4          | 4          | 4          | 0%         |
| 2019                         | 188        | 205        | 222        | 177        | 157        | 107        | 80         | 75         | 57         | 50         | 48         | 44         | -9%        |
| 2020                         | -          | -          | -          | -          | -          | 89         | 134        | 153        | 130        | 174        | 247        | 233        | -6%        |
| <b>Total outstanding</b>     | <b>204</b> | <b>220</b> | <b>237</b> | <b>184</b> | <b>171</b> | <b>210</b> | <b>221</b> | <b>235</b> | <b>192</b> | <b>229</b> | <b>300</b> | <b>282</b> | <b>-6%</b> |
| <b>Total requests logged</b> | 214        | 211        | 219        | 235        | 210        | 263        | 276        | 195        | 227        | 255        | 305        | 333        | 8%         |



| 31 July 2020 - Open Requests - Type |            |            |            |
|-------------------------------------|------------|------------|------------|
|                                     | June       | July       | Change     |
| Roads & Rd Maint.                   | 58         | 64         | 6          |
| Streetlights                        | 0          | 0          | 0          |
| Drainage                            | 34         | 34         | 0          |
| Footpaths                           | 6          | 6          | 0          |
| Park & Reserves                     | 13         | 15         | 2          |
| Roadside Veg                        | 24         | 25         | 1          |
| Environmental Health                | 0          | 0          | 0          |
| Planning                            | 0          | 0          | 0          |
| Bld maint                           | 15         | 11         | -4         |
| Local Laws                          | 39         | 40         | 1          |
| Cats                                | 4          | 6          | 2          |
| Dogs                                | 22         | 21         | -1         |
| Livestock Act                       | 3          | 1          | -2         |
| Parking                             | 0          | 1          | 1          |
| Fire Hazard                         | 1          | 1          | 0          |
| Bld Compliance                      | 0          | 0          | 0          |
| Waste Management                    | 0          | 0          | 0          |
| Natural Disasters                   | 0          | 0          | 0          |
| Pools                               | 0          | 0          | 0          |
| Council cleaning                    | 0          | 0          | 0          |
| EPA - Litter                        | 2          | 2          | 0          |
| Design & Assets                     | 0          | 0          | 0          |
| GIS                                 | 0          | 0          | 0          |
| Community Care                      | 0          | 0          | 0          |
| Telephone messages                  | 79         | 55         | -24        |
| <b>Total</b>                        | <b>300</b> | <b>282</b> | <b>-18</b> |

**Note:**

- The item 'Roads' now represents an amalgamation of Roads, Road Maintenance, Roads Unsealed and Road Maintenance Unsealed.

**COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Strategic Objective 1 - Roads and Townships. We will plan, manage, maintain and renew infrastructure in a sustainable way that responds to the needs of the community.

1.1 - Ensure local roads are maintained and renewed in line with adopted plans and strategy to provide a safe transport network and meet community needs.

**ATTACHMENTS**

Nil

**FINANCIAL / RISK IMPLICATIONS**

There are no financial implications associated with this report.

**CONCLUSION**

The Customer Action Request System remains an integral part of Council's reactive identification of issues that need attention, as well as case management of more complex matters. Ongoing focus and efforts continue regarding resolution of customer requests in a timely and effective manner. COVID-19 has impacted upon the numbers of telephone messages received, increasing by large margins in June and July.

**OFFICER RECOMMENDATION**

That Council notes the above report.

## **10.5. QUARTERLY COUNCIL PLAN PROGRESS REPORT – Q4 – APRIL TO JUNE 2020**

**Kathy Bramwell – Director Corporate and Community Services**

**Declaration of Interest:** As author of this report I have no disclosable interest in this item.

**File No:** 16/20/06

### **PURPOSE**

The purpose of this report is to provide Council with a progress report on actions taken in relation to the initiatives identified in the Council Plan as at the end of the financial year 30<sup>th</sup> June 2020.

### **BACKGROUND**

In accordance with Section 125 (1) of the *Local Government Act (1989)* (the Act), Council is required to prepare a Council Plan within 6 months of a Council election.

Council adopted the current Council Plan 2017-2021 at its Ordinary Meeting on the 13<sup>th</sup> June 2017. Council reviewed and adopted a revised Council Plan 2017-2021 at its Special Meeting in June 2019. The Council Plan 2017-2021 is framed around five Strategic Objectives:

#### **1. Roads and Townships**

*We will plan, manage, maintain and review infrastructure in a sustainable way that responds to the needs of the community.*

#### **2. Relationships and Advocacy**

*We will build and maintain effective relationships with community, government and strategic partners, and advocate on key issues.*

#### **3. Community Connection and Wellbeing**

*We will engage with communities to provide responsive, efficient services that enhance the quality of life of residents and promote connected, active and resilient communities.*

#### **4. Financially Sustainable, High-performing Organisation**

*Our organisation will respond to community needs, attend to our core business, and strive for excellence in service delivery in an ethical and financially responsible manner.*

#### **5. Development and Environment**











*We will undertake forward planning, and facilitate growth in our local economy while protecting key natural and build environmental values.*

### **ISSUE / DISCUSSION**

This report provides an update on progress made, during the final quarter of the 2019-2020 financial year, against the strategic initiatives included in the 2017-2021 Council Plan.

The report has been structured for clarity, utilising symbols and brief commentary to provide a snapshot of progress. The status of the initiatives scheduled for the 2019-2020 financial year is identified against each individual item in the attached report, with a summary of performance provided below. It should be noted that some items cross multiple years.

Notwithstanding the challenges of working under the constraints of COVID-19 during the final quarter of the financial year, many of the initiatives are complete or well advanced towards completion.

| Symbol  | Progress             |    |
|---|----------------------|----|
|  | 0%                   | 1  |
|  | 25%                  | 7  |
|  | 50%                  | 14 |
|  | 75%                  | 6  |
|  | Complete             | 31 |
|  | Funding Required     | 0  |
|  | Information Required | 0  |
|  | Ongoing              | 25 |
|  | On Hold              | 2  |
|  | Cancelled            | 0  |
| <b>Total</b>  |                      | 86 |

#### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

In accordance with Section 125 of the *Local Government Act 1989* Council adopted its revised 2017-2021 Council Plan at its June 2019 Special Council meeting.

#### **ATTACHMENTS**

10.5.1 Council Plan Progress Report – EOFY 30<sup>th</sup> June 2020

#### **FINANCIAL / RISK IMPLICATIONS**

There are no risks associated with this report.

#### **CONCLUSION**

The Council Plan progress report describes the range and status of initiatives being undertaken by the Pyrenees Shire Council during the 2019/20 financial year, as directed by the revised 2017-2020 Council Plan. The report continues to reinforce the importance of good working relationships and joint partnerships between community, Council and other levels of government.

#### **OFFICER RECOMMENDATION**

That Council receives the Council Plan Progress Report EOFY 30<sup>th</sup> June 2020.

## 11. COUNCILLOR ACTIVITY REPORTS

| <b>Cr Tanya Kehoe – Mount Emu Ward</b> |                             |          |
|--|-----------------------------|----------|
| <b>July</b>                            |                             |          |
| Mon 06                                 | CEO / Mayor Meeting         | Phone    |
| Mon 13                                 | CEO / Mayor Meeting         | Phone    |
| Tue 14                                 | Councillor Briefing Session | Beaufort |
| Mon 20                                 | CEO / Mayor Meeting         | Phone    |
| Tue 21                                 | Councillor Briefing Session | Beaufort |
| Tue 21                                 | Council Meeting             | Beaufort |
| Mon 27                                 | CEO / Mayor Meeting         | Phone    |
| Thu 30                                 | MAV Mayor Meeting           | Virtual  |

| <b>Cr David Clark – Ercildoune Ward</b> |                             |          |
|---|-----------------------------|----------|
| <b>July</b>                             |                             |          |
| Tue 14                                  | Councillor Briefing Session | Beaufort |
| Tue 21                                  | Councillor Briefing Session | Beaufort |
| Tue 21                                  | Council Meeting             | Beaufort |
| Tue 28                                  | Constituent Matter          | Waubra   |

| <b>Cr Robert Vance – De Cameron Ward</b> |                             |          |
|--|-----------------------------|----------|
| <b>July</b>                              |                             |          |
| Tue 14                                   | Councillor Briefing Session | Beaufort |
| Fri 17                                   | RCV Committee Meeting       | Virtual  |
| Tue 21                                   | Councillor Briefing Session | Beaufort |
| Tue 21                                   | Council Meeting             | Beaufort |
| Thu 23                                   | TTV General Meeting         | Virtual  |

| <b>Cr Ron Eason – Avoca Ward</b> |                             |          |
|----------------------------------|-----------------------------|----------|
| <b>July</b>                      |                             |          |
| Tue 14                           | Councillor Briefing Session | Beaufort |
| Tue 21                           | Councillor Briefing Session | Beaufort |
| Tue 21                           | Council Meeting             | Beaufort |

| <b>Cr Damian Ferrari – Beaufort Ward</b> |                             |          |
|--|-----------------------------|----------|
| <b>July</b>                              |                             |          |
| Fri 3                                    | GCWW&RRG LG Forum Meeting   | Virtual  |
| Tue 14                                   | Councillor Briefing Session | Virtual  |
| Tue 21                                   | Councillor Briefing Session | Beaufort |
| Tue 21                                   | Council Meeting             | Beaufort |

## 12. ASSEMBLY OF COUNCILLORS

| <b>MEETING INFORMATION</b>              |  |                                     |                         |
|---|--|-------------------------------------|-------------------------|
| Meeting Name                            | Councillor Briefing Session  |                                     |                         |
| Meeting Date                            | 14 July 2020 commenced at 2.00pm and closed at 6.00pm  |                                     |                         |
| Meeting Location                        | Beaufort Council Chambers / Virtual  |                                     |                         |
| Items Discussed                         | <ol style="list-style-type: none"> <li>1. <b>VFF Submission on Rating Strategy</b></li> <li>2. <b>Registered Aboriginal Parties</b></li> <li>3. <b>Social Media Policy</b></li> <li>4. <b>Governance Rules Workshop</b></li> <li>5. <b>Proposed Road Renaming - Moonambel</b></li> <li>6. <b>Economic Recovery</b></li> <li>7. <b>Impact of COVIC-19 on Community Organisations</b></li> <li>8. <b>Agenda Review (July Council Meeting)</b></li> </ol>   |                                     |                         |
| <b>ATTENDEES</b>                        |  |                                     |                         |
| Councillors                             | Mayor Cr Tanya Kehoe<br>Cr Ron Eason<br>Cr Robert Vance  | Cr Damian Ferrari<br>Cr David Clark |                         |
| Apologies                               | Nil  |                                     |                         |
| Staff                                   | Jim Nolan (Chief Executive Officer) - virtual<br>Douglas Gowans (Director Assets and Development Services) - virtual<br>Kathy Bramwell (Director Corporate and Community Services)<br>Jane Bowker (EA to CEO and Councillors) - Support<br>Laura Buchanan (Emergency Management Coordinator) - virtual – Item 2<br>Kate Deppeler (Communications Officer) - virtual – Item 3<br>James Hogan (Manager Finance) - virtual – Item 1<br>April Ure (Property Revenue Officer) - virtual – Items 1 and 5<br>Ray Davies (Manager Economic Development and Tourism) - virtual – Item 6 |                                     |                         |
| Visitors                                | David Jochinke (VFF) – Item 1  |                                     |                         |
| <b>CONFLICT OF INTEREST DISCLOSURES</b> |  |                                     |                         |
| Item No:                                | Councillor making disclosure   | Particulars of disclosure           | Councillor left meeting |
| Nil                                     |  |                                     |                         |

| <b>MEETING INFORMATION</b>              |  |  |  |
|---|--|--|--|
| Meeting Name                            | Councillor Briefing Session  |  |  |
| Meeting Date                            | 21 July 2020 commenced at 2.00pm and closed at 5.30pm  |  |  |
| Meeting Location                        | Beaufort Council Chambers  |  |  |
| Item Discussed                          | <ol style="list-style-type: none"> <li>1. <b>Old Beaufort Primary School</b></li> <li>2. <b>Old Beaufort Primary School continuation</b></li> <li>3. <b>Strategic Planning Update</b></li> <li>4. <b>Economic Recovery</b></li> <li>5. <b>Community Satisfaction Survey</b></li> <li>6. <b>Workshop – Strategic Risk Register</b></li> <li>7. <b>Agenda Review (July Council Meeting)</b></li> </ol> |  |  |
| <b>ATTENDEES</b>                        |  |  |  |
| Councillors                             | Mayor Cr Tanya Kehoe<br>Cr Ron Eason<br>Cr Robert Vance  |  | Cr Damian Ferrari<br>Cr David Clark (2.08pm) |
| Apologies                               | Kathy Bramwell (Director Corporate and Community Services)   |  |  |
| Staff                                   | Jim Nolan (Chief Executive Officer)<br>Douglas Gowans (Director Asset and Development Services)<br>Jane Bowker (EA to CEO and Councillors) - Support<br>Ray Davies (Manager Economic Development and Tourism) – virtual – Item 4<br>James Hogan (Manager Finance) - virtual – Item 7   |  |  |
| Visitors                                | Nicole Battle (Neighbourhood Houses Victoria) – Item 1   |  |  |
| <b>CONFLICT OF INTEREST DISCLOSURES</b> |  |  |  |
| Item No:                                | Councillor making disclosure   | Particulars of disclosure  | Councillor left meeting                      |
| 3                                       | Cr Ron Eason   | Item 3 – discussion around a proposed retirement village in Avoca. | 3.25pm<br>returning<br>3.50pm                |

**CR VANCE / CR EASON**

That the items for noting be received.

**CARRIED**

### 13. ITEMS FOR DECISION

#### ASSET AND DEVELOPMENT SERVICES - PLANNING

##### 13.1 PLANNING PERMIT PA2964/20

**Katie Gleisner – Manager Planning and Development**

**Declaration of Interest:** As author of this report I have no disclosable interest in this item.

**File No: 710031150**

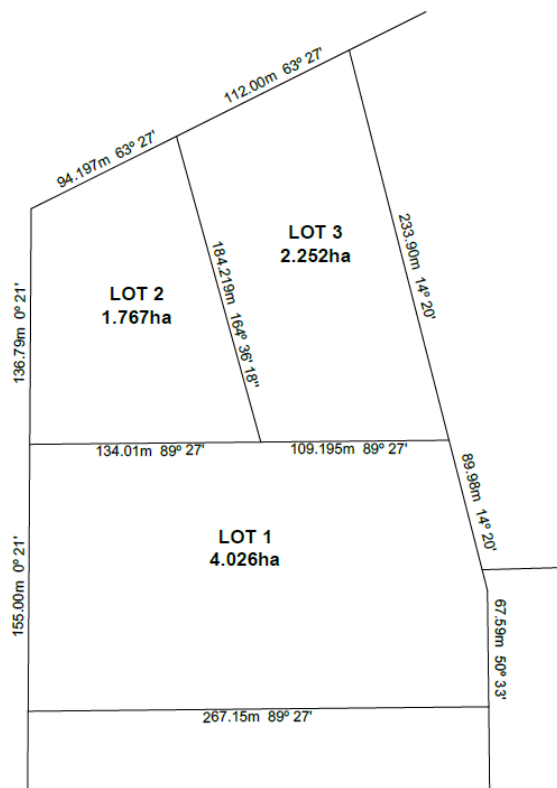
#### PURPOSE

The purpose of this report is to provide Council with information on the state and local planning policy that is relevant to making a determination on Planning Permit Application PA2964/20 for a Three (3) Lot Subdivision at Crown Allotment 5R Section 14 Parish of Chepstowe (Vol: 11209, Fol: 976), 25 McIntosh Lane, Snake Valley.

#### BACKGROUND

Council has received a planning permit application, seeking permission for the subdivision of a 7.866 hectare (ha) lot into the following three lots:

- Lot 1 is proposed to be 4.026 ha, containing the existing dwelling and sheds;
- Lot 2 is proposed to be 1.767 ha, accessed from Racecourse Road; and
- Lot 3 is proposed to be 2.252 ha, access from Racecourse Road.



**Figure 1: Proposed Subdivision Plan (application)**



The proposed subdivision is subject to a planning permit under the following clauses:

- Clause 35.03-3 – Rural Living Zone
- Clause 44.06-2 - Bushfire Management Overlay

The application has been made in response to the relevant decision guidelines and supported by a Bushfire Management Report.

### SITE AND SURROUNDING CONTEXT

**Location:** Crown Allotment 5R Section 14 Parish of Chepstowe (Vol: 11209, Fol: 976) being 25 McIntosh Lane, Snake Valley

**Area:** 7.866 hectares

**Current use:** Rural Residential

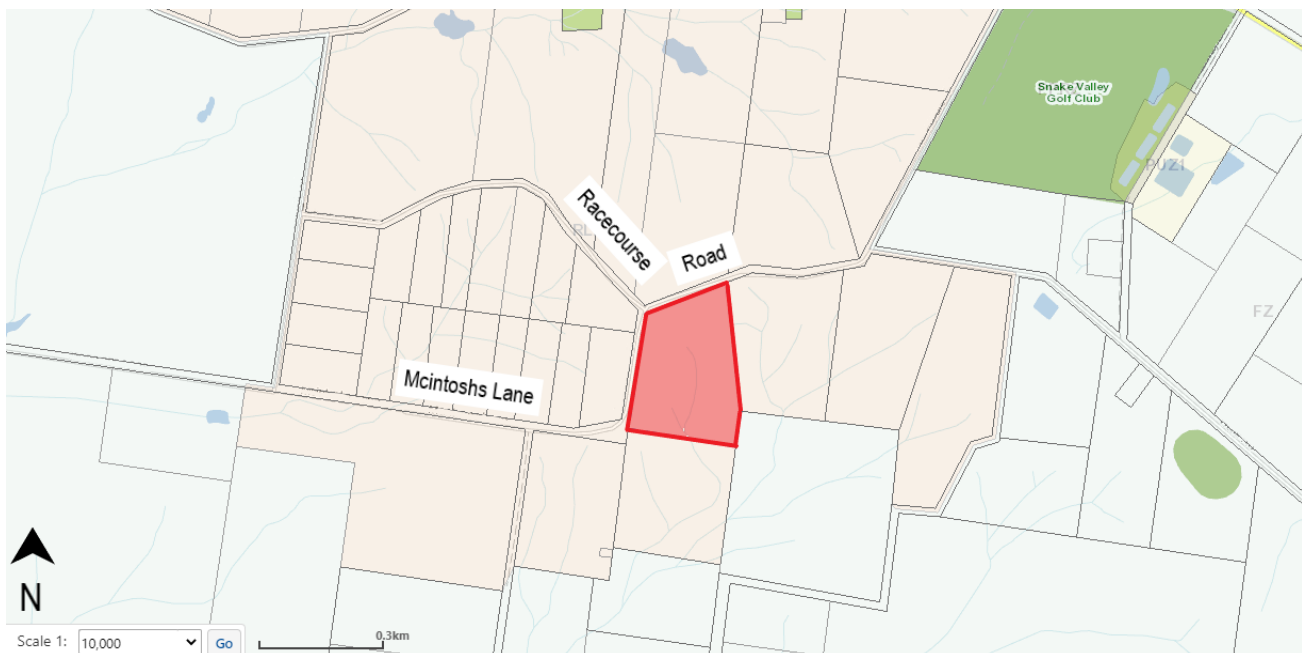
**Existing structures:** Existing dwelling, numerous outbuildings

**Access:** The site has road frontage along the western boundary (McIntosh Lane) and the northern boundary (Racecourse Road). The existing dwelling is accessed via McIntosh Lane

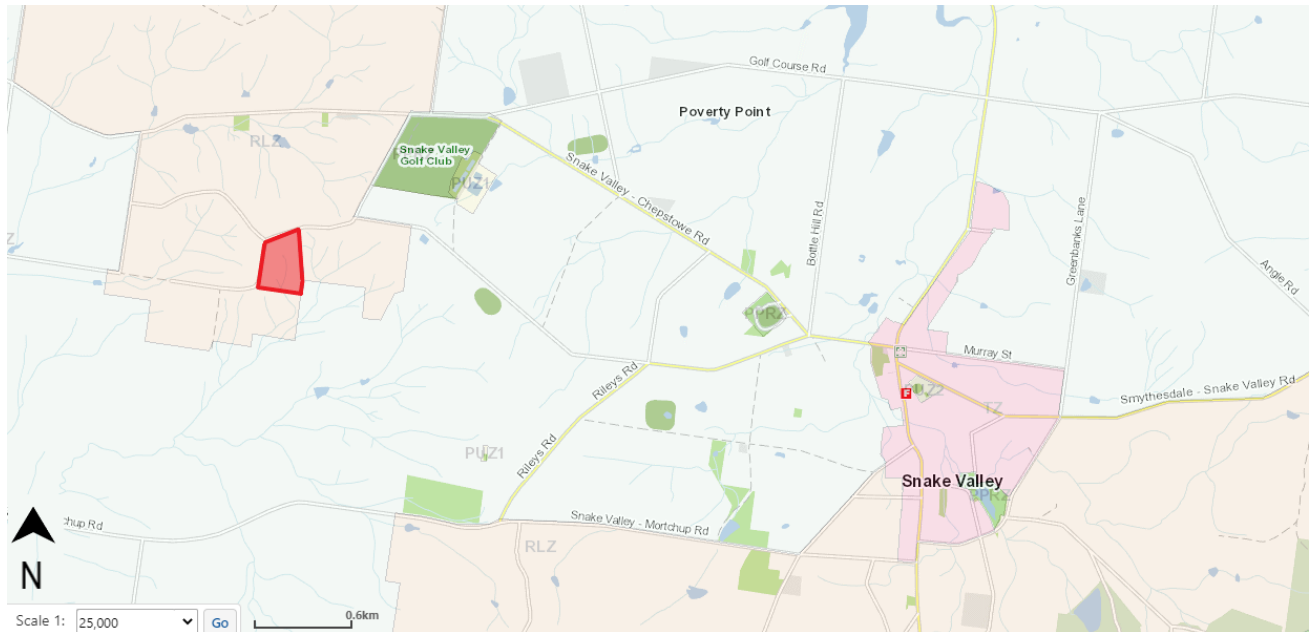
**Other:** The site contains scattered native vegetation, a dam and a watercourse that runs through the centre of the property from south to north.

All lots adjoining the subject lot are zoned for Rural Living with the exception of one lot to the southeast which is zoned Farming. The Bushfire Management Overlay affects all surrounding properties.

Lots within the Rural Living Zone average 7.5 hectares, except for a 19-lot subdivision to the west of the subject site, where these lots average 2.5 hectares.



**Figure 2: The subject site in red (VicPlan, DELWP)**



**Figure 3: Site in red in relation to the Snake Valley township (VicPlan, DELWP)**

## REFERRALS AND NOTICE

Under Section 52 of the *Planning & Environment Act 1987* (The **Act**), notice was sent to ten (10) adjoining landowners and occupiers directly abutting the site in accordance with the scheme. Public notice was also provided through Council's website. Two submissions were received which are summarised within this report.

The application was subject to an internal referral to Council's Environmental Health Department, who do not oppose the proposed development subject to conditions.

The application was referred under Section 55 of the Act to the Country Fire Authority, Central Highlands Water and Powercor who have provided conditional consent to the granting of a planning permit.

## Submissions

Two submissions were received in relation to the application during the notice period. The grounds of the submission have been summarised below:

### Objection One

- 1.1 *Increased traffic on inadequately maintained dirt/gravel roads*
- 1.2 *Type of home built, is it fitting with the country theme?*
- 1.3 *Potential noise from motorbikes, adding to the amount here already?*
- 1.4 *Being off grid potential noise of backup generators?*
- 1.5 *Increased housing would take away from the country feel. Snake Valley as an example.*
- 1.6 *Potentially increase in our rates we do not want due to the added value to the areas. What guarantee that this wouldn't happen and we should be compensated in our rates if this goes ahead as our rates are expensive now*

### Objection Two

- 2.1 *Noise and Disturbance, backup generators selling to family members not being used for primary residence more motorbike noise.*

- 2.2 Traffic impact, increased traffic, road being used as a racetrack, poor visibility, motorbike track already has road being used by extra vehicles.
- 2.3 Rural Living. How can it be subdivided down so little when ours is 20 plus acres, more like residential living not rural living.
- 2.4 Air pollution, extra woodfires, means extra smoke, lower air quality.
- 2.5 Land rates, what guarantees that this won't affect my land rates we already pay a large amount.
- 2.6 Privacy, Future land ownership potential; What will Council do to ensure [the submission maker's privacy is maintained.

In response to themes of the above objections, the assessing officer provides the following advice:

#### Traffic Impacts

Any additional traffic associated with the proposed subdivision is not expected to impact on the condition or safety of the existing road network. There are currently 51 properties within a 1km radius of the subject site and the impact of creating a further two lots is deemed to be negligible and can be appropriately managed with the current road system servicing the area.

#### Type of home built/design of any future development

The application before Council is for a Three (3) Lot Subdivision with no specific development proposed (i.e. no house plans) at the subject site. There is a reasonable expectation however that the sites will be developed with a dwelling in the future given the zoning. The site is not subject to any Heritage or Built form Overlays (Clause 43) or stipulated design requirements in the schedule to the zone. As such, the design features of any future development cannot be considered in the context of this application.

#### Use of motorbikes and noise impacts

This application does not propose the use and/or development of land for the purpose of motorbike riding. Council cannot pre-empt amenity impacts from potential future activities that are not regulated via the scheme.

#### Noise and air pollution

The application before Council is for a Three (3) Lot Subdivision with no specific development proposed (i.e. no house plans) at the subject site. In the instance that the proposed lots are developed with dwellings the Scheme does not specify energy or heating sources. Council are therefore unable to give regard to the use of generators or wood fuelled heating in the assessment of this application.

#### Subdivision design in Rural Living Zone

The Rural Living Zone provides for the subdivision of lots to a minimum lot size of 2 hectares. A permit may also be granted to create lots smaller than 2 hectares in the following circumstances:

- *The subdivision is the re-subdivision of existing lots and the number of lots is not increased*
- *The number of lots is no more than the number the land could be subdivided into in accordance with a schedule to this zone.*
- *The subdivision is by a public authority or utility service provider to create a lot for a utility installation.*

The subject site is 7.866 hectares in area and can accommodate the further subdivision of the lots in accordance with the zone. Given the surrounding subdivision pattern of the locality, this proposed subdivision is not disproportionate to that of surrounding lots, particularly when considering lots directly and further afield to the west.

Rates

The provision of Rates is not a matter relevant the Pyrenees Planning Scheme nor the *Planning and Environment Act 1987* and therefore, not a consideration in the context of this application.

Privacy

Privacy is not a planning consideration in the context of this application.

## PLANNING CONSIDERATIONS

Under Section 60 of the *Planning and Environment Act 1987*, the below planning matters must be taken into consideration by Council when assessing the application.

*Table 1: Relevant State Planning Policy Framework which must be considered in the context of this application*

| <b>STATE PLANNING POLICY FRAMEWORK</b>  |  |
|---|--|
| <b>Settlement (Clause 11)</b>   |  |
| Anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure. |  |
| Clause 11.02-1S – Supply of urban land  | <p><u>Objectives</u><br/>To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.</p> <p><u>Relevant Strategies</u></p> <ul style="list-style-type: none"> <li>• Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.</li> <li>• Planning for urban growth should consider:</li> <li>• Opportunities for the consolidation, redevelopment and intensification of existing urban areas.<br/>Neighbourhood character and landscape considerations.</li> </ul> |
| Clause 11.03-6S – Regional and local places   | <p><u>Objectives</u><br/>To facilitate integrated place-based planning.</p> <p><u>Relevant Strategies</u></p> <ul style="list-style-type: none"> <li>• Integrate relevant planning considerations to provide specific direction for the planning of sites, places, neighbourhoods and towns.</li> <li>• Consider the distinctive characteristics and needs of regional and local places in planning for future land use and development.</li> </ul>  |
| <b>Environmental and Landscape Values (Clause 12)</b>   |  |
| Protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value.  |  |

|   |   |
|---|---|
| <p>Clause 12.01-1S Protection of biodiversity</p>   | <p><u>Objective</u><br/>To assist the protection and conservation of Victoria’s biodiversity.</p> <p><u>Relevant Strategies</u></p> <ul style="list-style-type: none"> <li>• Ensure that decision making takes into account the impacts of land use and development on Victoria’s biodiversity, including consideration of: <ul style="list-style-type: none"> <li>○ Cumulative impacts.</li> <li>○ Fragmentation of habitat.</li> <li>○ The spread of pest plants, animals and pathogens into natural ecosystems.</li> </ul> </li> <li>• Avoid impacts of land use and development on important areas of biodiversity</li> </ul> |
| <p>Clause 12.01-2S Native vegetation management</p>   | <p><u>Objective</u><br/>To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.</p> <p><u>Relevant Strategies</u></p> <ul style="list-style-type: none"> <li>• Ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply the three-step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017)</li> <li>• Avoid, Minimise and Offset.</li> </ul>  |
| <p><b>Environmental Risks and Amenity (Clause 13)</b></p>   |   |
| <p>Aim to avoid or minimise natural and human-made environmental hazards, environmental degradation and amenity conflicts</p>   |   |
| <p>Clause 13.02-1S – Bushfire Planning</p>  | <p><u>Objective</u><br/>To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.</p> <p><u>Relevant Strategies</u></p> <ul style="list-style-type: none"> <li>• Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.</li> <li>• Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.</li> </ul>                        |
| <p><b>Built Environment and Heritage (Clause 15)</b></p>  |   |
| <p>Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods and support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.</p> |   |

|  |  |
|--|--|
| <p>Clause 15.01-3S Subdivision Design</p>  | <p><u>Objective</u><br/>To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.</p> <p><u>Relevant Strategies</u></p> <ul style="list-style-type: none"> <li>• Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.</li> <li>• Protecting and enhancing native habitat.</li> <li>• Creating urban places with a strong sense of place that are functional, safe and attractive.</li> </ul>  |
| <p><b>Housing (Clause 16)</b></p> <ul style="list-style-type: none"> <li>• Planning should provide for housing diversity, and ensure the efficient provision of supporting infrastructure.</li> <li>• Planning should ensure the long-term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.</li> <li>• Planning for housing should include the provision of land for affordable housing.</li> </ul> |  |
| <p>Clause 16.01-5S – Rural residential development</p>   | <p><u>Objective</u><br/>To identify land suitable for rural residential development.</p> <p><u>Relevant Strategies</u></p> <ul style="list-style-type: none"> <li>• Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.</li> <li>• Ensure land is only zoned for rural residential development where it: <ul style="list-style-type: none"> <li>○ Is located close to existing towns and urban centres, but not in areas that will be required for fully serviced urban development.</li> <li>○ Can be supplied with electricity, water and good quality road access.</li> </ul> </li> <li>• Encourage the consolidation of new housing in existing settlements where investment in physical and community infrastructure and services has already been made.</li> </ul> |

*Table 2: Relevant Local Planning Policy Framework which must be considered in the context of this application*

| <b>LOCAL PLANNING POLICY FRAMEWORK</b>   |         |  |
|--|---------|--|
| <b>Pyrenees Shire Key Influences &amp; Issues (Clause 21.01)</b>   |         |  |
| Clause 21.01-2 influences  | Key     | <p>Some of the relevant key influences of the Shire are:</p> <ul style="list-style-type: none"> <li>• A settlement pattern based on historic rural service centres and former gold mining areas.</li> <li>• The distribution of Shire’s population, in Beaufort and Avoca and small towns of Amphitheatre, Landsborough, Lexton, Moonambel, Snake Valley and Waubra.</li> <li>• Rural-residential communities in the south-east part of the Shire</li> </ul>   |
| <b>Settlement, Built Environment and Heritage (Clause 21.03)</b>   |         |  |
| This Clause provides local content to support Clause 11 (Settlement), Clause 15 (Built Environment and Heritage), Clause 16 (Housing) and Clause 19 (Infrastructure).                                  |         |  |
| Clause 21.03-1 Settlement  |         | <p>Some of the relevant settlement policies for the Shire are:</p> <ul style="list-style-type: none"> <li>• To encourage new urban development which makes efficient use of existing physical and servicing infrastructure.</li> <li>• To allow for urban expansion only in areas which have a suitability for specified uses and which represents an orderly extension of existing settlements and infrastructure.</li> <li>• To establish strategies for the development of small townships and residential settlements that promote future consolidated growth and the provision of improved services and community facilities</li> <li>• To restrict rural residential development to areas which are intrinsically suitable for this type of use, which: <ul style="list-style-type: none"> <li>○ Are in close proximity to existing urban centres and have good access to services and facilities.</li> <li>○ Are not subject to significant land management hazards.</li> <li>○ Are not subject to flooding.</li> <li>○ Are aesthetically attractive and are capable of providing appealing lifestyle opportunities for future residents.</li> <li>○ Are not inappropriately subdivided.</li> </ul> </li> </ul> |
| <b>Environmental and Landscape Values &amp; Risks (Clause 21.04)</b>   |         |  |
| This Clause provides local content to support Clause 12 (Environmental and Landscape Values), Clause 13 (Environmental Risks), Clause 14 (Natural Resource Management) and Clause 19 (Infrastructure). |         |  |
| Clause 21.04-1 environment   | Natural | <p>The environmental policies for the Shire are:</p> <ul style="list-style-type: none"> <li>• To minimise the potential of new development and land use causing pollution of waterways, water storages and ground water resources, land degradation, fire hazards or other adverse environmental impacts.</li> <li>• To protect existing native vegetation and encourage further planting of native vegetation particularly on land which has a high degree of environmental hazard and in areas with salinity problems.</li> </ul>  |



|   |  |
|---|--|
| <p><b>Rural Development (Clause 21.05)</b><br/>This Clause provides local content to support Clause 11.05-3 (Rural Productivity), Clause 12 (Environmental and Landscape Values), Clause 14 (Natural Resource Management) and Clause 17 (Economic Development).</p>   |  |
| <p>Clause 21.05-3 – Rural living areas</p>  | <p><u>Objective</u><br/>To provide for appropriately located rural residential development.</p> <p><u>Strategies</u></p> <ul style="list-style-type: none"> <li>• Ensure that opportunities for rural residential development continue to be provided in intrinsically attractive areas on the periphery of existing townships and settlements so that residents may take advantage of the facilities and services available in these communities.</li> </ul> <p><u>Implementation</u></p> <ul style="list-style-type: none"> <li>• Applying the Rural Living Zone to existing areas of rural residential living and to other areas within the Shire where rural residential living is considered appropriate</li> </ul>   |
| <p><b>Local Areas (Clause 21.06)</b><br/>A general land use strategy plan has been prepared for Beaufort, Avoca and each of the smaller townships and settlements within the Shire. The strategies have been prepared having regard to the preferred role and function of each township/settlement and their potential (or lack of potential) for growth. The strategies also respond to the planning opportunities and constraints applicable to each township/settlement and address the various issues relating to each.</p> |  |
| <p>Clause 21.06-11 Snake Valley</p>   | <p>Snake Valley is essentially a residential dormitory for Ballarat which is only approximately 27 kilometres to the north-east. The main town centre is well defined and reasonably compact and radiates outwards from the junction of the Carngham-Linton, Chepstowe-Snake Valley and Smythesdale-Snake Valley Roads. It comprises a general store, public hall, school and several churches. Most of the development at Snake Valley however, is low density rural-residential in nature and extends into the attractive hilly treed land to the south-west of the township.</p> <p><u>Key Issues (Strengths and opportunities)</u></p> <ul style="list-style-type: none"> <li>• Snake Valley and its environs will continue to experience significant growth due to its proximity to Ballarat and the attractive nature of its rural residential areas.</li> </ul> <p><u>Objectives</u><br/>To provide for a more consolidated township in which community facilities and services are reasonably accessible to residents.</p> <p><u>Strategies</u></p> <ul style="list-style-type: none"> <li>• Retain the areas to the north, east and west of the Township in rural use. Restructuring of these areas should also be encouraged wherever possible.</li> </ul> |

### **Native Vegetation Protection (Clause 22.04)**

#### Objective

- To conserve and enhance existing vegetation throughout the Shire wherever practicable.
- To protect significant and sensitive areas including wetlands from the negative effects of vegetation clearance and modification.

#### Policy

- Trees having a height of greater than 5 metres should be retained where possible and reasonable.
- Areas of remnant understory should be retained.
- In considering applications for the removal of native vegetation the responsible authority should take into account the likely effect of the removal of such vegetation and the desirability of including conditions in any Permit requiring planting or replanting of native vegetation on other parts of the land.

*Table 3: Relevant Zones and Overlays which must be considered in the context of this application.*

### **ZONE**

#### **Rural Living Zone (Clause 35.03)**

#### Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for residential use in a rural environment.
- To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses

#### Decision Guidelines (Clause 35.03-5)

- The Municipal Planning Strategy and the Planning Policy Framework
- The capability of the land to accommodate the proposed use or development.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- The impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours.
- The impact of the use or development on the flora, fauna and landscape features of the locality.

- The need to protect and enhance the biodiversity of the area, including the need to retain vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- Whether the use or development will require traffic management measures.

## **OVERLAYS**

### **Bushfire Management Overlay (Clause 44.06)**

#### Purpose

- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.
- To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

#### Application requirements (Clause 44.06-3)

An application must be accompanied by:

- A bushfire hazard site assessment including a plan that describes the bushfire hazard within 150 metres of the proposed development. The description of the hazard must be prepared in accordance with Sections 2.2.3 to 2.2.5 of AS3959:2009 Construction of buildings in bushfire prone areas (Standards Australia) excluding paragraph (a) of section 2.2.3.2. Photographs or other techniques may be used to assist in describing the bushfire hazard.
- A bushfire hazard landscape assessment including a plan that describes the bushfire hazard of the general locality more than 150 metres from the site. Photographs or other techniques may be used to assist in describing the bushfire hazard. This requirement does not apply to a dwelling that includes all of the approved measures specified in Clause 53.02-3.
- A bushfire management statement describing how the proposed development responds to the requirements in this clause and Clause 53.02. If the application proposes an alternative measure, the bushfire management statement must explain how the alternative measure meets the relevant objective.

#### Decision guidelines (Clause 44.06-8)

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any other matters specified in a schedule to this overlay.

*Table 4: Relevant Particular and General Provisions which must be considered in the context of this application.*

| <b>PARTICULAR PROVISIONS</b>     |   |
|----------------------------------|---|
| Clause 52.17 – Native vegetation | <p><u>Purpose</u><br/>To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. This is achieved by applying the following three step approach in accordance with the <i>Guidelines for the removal, destruction or lopping of native vegetation</i> (Department of Environment, Land, Water and Planning, 2017) (the Guidelines):</p> <ol style="list-style-type: none"><li>1. Avoid the removal, destruction or lopping of native vegetation.</li><li>2. Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.</li><li>3. Provide an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.</li></ol> <p>To manage the removal, destruction or lopping of native vegetation to minimise land and water degradation.</p> <p><u>Offset requirements (Clause 52.17-5)</u><br/>If a permit is required to remove, destroy or lop native vegetation, the biodiversity impacts from the removal, destruction or lopping of native vegetation must be offset, in accordance with the Guidelines. Offsets will be required for any native vegetation removal that is not part of the defensible space.</p> <p><u>Decision Guidelines (Clause 53.17-4)</u><br/>Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider the decision guidelines specified in the Guidelines as appropriate.</p> |

|   |   |
|---|---|
| <p>Clause 53.02 – Bushfire Planning</p> | <p><u>Purpose</u></p> <ul style="list-style-type: none"><li>• To implement the Municipal Planning Strategy and the Planning Policy Framework.</li><li>• To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.</li><li>• To ensure that the location, design, and construction of development appropriately responds to the bushfire hazard.</li><li>• To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.</li><li>• To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.</li></ul> <p><u>Subdivision objectives (Clause 53.02-4.4)</u></p> <ul style="list-style-type: none"><li>• To provide lots that are capable of being developed in accordance with the objectives of Clause 53.02.</li><li>• To specify at the subdivision stage bushfire protection measures to develop a lot with a single dwelling on land zoned for residential or rural residential purposes.</li></ul> <p><u>Decision guidelines (Clause 53.02-4.5)</u></p> <ul style="list-style-type: none"><li>• The Municipal Planning Strategy and the Planning Policy Framework.</li><li>• The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application.</li><li>• The impact of any State, regional or local bushfire management and prevention actions occurring around the site and in the wider area on the bushfire hazard and the level of risk to the proposed development.</li><li>• Whether the proposed development meets the objectives of Clause 53.02-4 regardless of other measures which may be available, including private bushfire shelters, community shelters and the presence of places of last resort.</li><li>• Whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.</li><li>• Whether the use of an alternative measure meets the relevant objective having regard to the bushfire hazard and the nature of any constraint that prevents the applicable approved measure from being implemented.</li><li>• If one or more of the objectives in Clause 53.02-4 will not be achieved in the completed development, whether the development will, taking all relevant factors into account, reduce the bushfire risk to a level that warrants it proceeding.</li><li>• Whether the risk arising from the broader landscape can be mitigated to an acceptable level or warrants the development not proceeding</li></ul> |
|---|---|

## GENERAL PROVISIONS

### Approval of an application to subdivide land (Clause 65.02)

- The suitability of the land for subdivision.
- The existing use and possible future development of the land and nearby land
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The effect of development on the use or development of other land which has a common means of drainage.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision. The layout of roads having regard to their function and relationship to existing roads
- The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.
- The design and siting of buildings having regard to safety and the risk of spread of fire.
- If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.
- Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.

## **ISSUE / DISCUSSION**

The Pyrenees Planning Scheme, including local and state planning policy, provides for and supports rural residential development and rural living opportunities.

The proposed subdivision allows for suitably located rural residential growth, particularly within the Rural Living Zone of Snake Valley. This zone is typically applied to the outskirts of settlements and township areas to allow for residential living in the rural environment without impacting on agricultural land uses. The zone provides for a primarily residential function with urban residential amenity expectations.

The proposed subdivision is a suitable planning outcome for the area and is compatible with adjoining and nearby land uses. Whilst this application does not include any uses or developments, the application must be considered in this context as additional planning permissions for the future development of dwellings may not be required given the proposed lot sizes.

The Scheme requires that uses and developments within the zone need to protect and enhance the biodiversity of the area, including the need to retain vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.

The applicant has satisfactorily demonstrated an attempt to minimise any such impacts, by adjusting the boundary alignments of the proposed lots and deliberately siting the proposed building envelopes and onsite effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

The proposed lots are serviced by an existing road network and are considered to be capable of accommodating future developments, including the ability to treat and dispose of wastewater on site, maintain a potable and fire-fighting water supply and accommodate electricity connectivity.

The creation of the lots and the residential density that they would allow, is in keeping with the adjoining subdivision and supported via the Scheme.

The objections made against the application have been assessed against the Scheme and are not considered to provide a sufficient basis to refuse the application.

## **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Strategic Objective 5 - Development and Environment. We will undertake forward planning, and facilitate growth in our local economy while protecting key natural and built environmental values.

5.1 - Provide efficient and effective land use planning, ensuring local policies within the Pyrenees Planning Scheme remain relevant and forward looking.

## **ATTACHMENTS**

13.1.1 Planning Permit application PA2946/20

13.1.2 Copy of objections

## **FINANCIAL / RISK IMPLICATIONS**

The area of settlement is currently serviced by Council in the form of road maintenance and rubbish collection. Council will not incur any further service delivery costs through the supporting of this application.

An application determined by council or under delegation of council and which is subject to appeal rights at VCAT, may incur costs in the form of representation (consultant) fees and staff resources.

## CONCLUSION

The proposed subdivision accords with the objectives of the Pyrenees Planning Scheme, specifically the Rural Living Zone, Bushfire Management Overlay and applicable State and Local Planning Policies.

The matters raised in the objections generally relate to activities that are not regulated via the Scheme or the Planning and Environment Act 1987 and are not relevant to the application currently before Council.

## CR CLARK / CR FERRARI

That Council, having considered all matters required under Section 60 of the *Planning and Environment Act 1987* and the provisions of the Pyrenees Planning Scheme determines to issue a Notice of Decision to Grant a Planning Permit under the provisions of the Pyrenees Planning Scheme for the 3 Lot Subdivision at Crown Allotment 5R Section 14 Parish of Chepstowe (Vol: 11209, Fol: 976), being 25 McIntosh Lane, Snake Valley subject to the following conditions:

### Plans

1. The formal plan of subdivision lodged for certification must be generally in accordance with the endorsed plan and must not be modified except to comply with statutory requirements or with the further written consent of the Responsible Authority.

### Mandatory Conditions

#### Provision of Services

2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time

#### Easements

3. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

#### Referral of Plan of Subdivision

4. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act

### Environmental Health Department Conditions

5. Any existing wastewater and wastewater system including effluent lines are to be contained within the boundary of proposed Lot 1 to be satisfaction of the Responsible Authority.
6. If the system is not wholly located within this proposed boundary a permit to alter will need to be applied for and obtained from Environmental Health Department.

### Powercor Conditions

7. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.
8. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

**Notes:** Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.



9. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

**Notes:** Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.

10. The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.

**Notes:**

- Existing easements may need to be amended to meet the Distributor’s requirements
- Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

| Easement reference | Purpose    | Width (Metres) | Origin   | Land Benefited/In Favour of |
|--------------------|------------|----------------|--|-----------------------------|
|                    | Power Line |                | Section 88 –<br><i>Electricity Industry Act 2000</i> | Powercor Australia Ltd      |

#### **Central Highlands Water Authority Conditions**

11. Any plan lodged for certification will be referred to the Central Highlands Region Water Corporation pursuant to Section 8(1)(a) of the *Subdivision Act 1988*.

#### **Country Fire Authority Conditions**

##### Bushfire Management Plan endorsed

12. The Bushfire Management Plan revision A 15-5-2020 (project no. 991, (Lots 2 & 3) dated June 2020) must be endorsed to form part of the permit, be included as an annexure to the section 173 agreement and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

##### Subdivision plan not to be altered

13. The subdivision plan as shown on the endorsed plans must not be altered without the consent of the CFA.

##### Matters to be set out in Section 173 Agreement

14. Before the statement of compliance is issued under the *Subdivision Act 1988* the owner must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must:

- i. State that the Agreement has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Pyrenees Planning Scheme.
- ii. Explicitly exclude Lot 1 from the following exemption under Clause 44.06-2 of the Pyrenees Planning Scheme
  - A building or works consistent with an agreement under section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of Clause 44.06-5
- iii. Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.

- iv. State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

15. The landowner must pay all reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

#### Maintenance of defensible space

16. Before the Statement of Compliance is issued under the *Subdivision Act 1988* defensible space on every lot in the subdivision must be implemented and maintained as specified on the Bushfire Management Plan, unless otherwise agreed in writing by the CFA and the Responsible Authority.

#### **Vehicle Access**

17. Vehicle access to the each of the lots shall be constructed at an approved location to the satisfaction of the Responsible Authority.
18. A Road Excavation Permit will be required for any works to install or upgrade a driveway.
19. All vehicle access works shall be completed to the satisfaction of the Responsible Authority prior to the Statement of Compliance being issued.

**Note:** Please contact Council's Engineering Department as the construction or altering of a vehicle crossing, footpath and/or any other works or alterations within a road reserve or any other Council asset may require either a Road Excavation Permit (which includes a driveway and new crossover), or other approval to be obtained from the Pyrenees Shire Council. This Planning Permit does not constitute such approval. Failure to obtain an appropriate permit or damaging Council infrastructure, including footpaths, kerbs, drains, street trees, nature strips etc. or failing to remove redundant crossings and reinstate the kerb, drain, footpath, nature strip or other part of the road is a breach of the Pyrenees Shire Council development requirements.

#### **Native vegetation permitted to be removed, destroyed or lopped**

20. The native vegetation permitted to be removed, destroyed or lopped under this permit is 0.025 general habitat units of native vegetation with 0 large trees, with a strategic biodiversity value score of 0.160.
21. Before the removal, destruction or lopping of any native vegetation, native vegetation to be removed in accordance with this permit must be clearly marked on site to the satisfaction of the Responsible Authority whilst works are being undertaken within the vicinity.

#### **Native vegetation offsets**

22. Prior to the Statement of Compliance under the *Subdivision Act 1988*, the Permit holder must offset the removal of 0.107 general habitat units of native vegetation, and secure a native vegetation offset in accordance with *Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017)*. The permit holder must secure the following offsets:

A general offset of 0.107 general habitat units which must be:

- a) located within the Glenelg Hopkins Catchment Management Authority (CMA) or Pyrenees Shire Council municipal area; and
  - b) with a minimum strategic biodiversity value of at least 0.504 and include 1 large tree(s)
23. Before any native vegetation is removed, evidence that the required offset has been secured must be provided to the satisfaction of the Responsible Authority. This evidence is one or both of the following:

- a) an established first party offset site including a 173 Agreement signed by both parties, and an offsite management plan detailing the management actions and ongoing management of the site.
  - i. Any first party offset must be at least 150 metres from any dwelling or future dwelling and any other infrastructure not in the same ownership to the satisfaction of the Responsible Authority.
  - ii. The native vegetation first party offset management plan must be approved and endorsed to form part of the planning permit to the satisfaction of the Responsible Authority.
- b) credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
  - i. A copy of the offset evidence must be approved and endorsed to form part of the planning permit to the satisfaction of the Responsible Authority.

24. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Grampians regional office.

#### **Time for starting and completion**

25. This permit will expire if one of the following circumstances applies:

- a) The plan of subdivision is not certified within two (2) years of the date of this permit.
- b) The plan of subdivision is not registered at Land Registry within five (5) years of the certification of the subdivision.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards. There is no provision to grant an extension of time for a Certified Plan.

#### **NOTES**

##### **Powercor**

- a) See attached Conditional Consent to Issue of Planning permit correspondence dated 06/08/2020.

**CARRIED**

## ASSET AND DEVELOPMENT SERVICES

### 13.2 UPPER MOUNT EMU FLOOD INVESTIGATION

**Douglas Gowans – Director Assets and Development Services**

**Declaration of Interest:** As author of this report I have no disclosable interest in this item.

**File No:** 20/06/02

#### PURPOSE

The purpose of this report is to seek Council endorsement of the Upper Mount Emu Creek Regional Flood Investigation and also to obtain Council approval to seek authorisation from the Minister for Planning to prepare and exhibit a Planning Scheme Amendment to implement findings of the Investigation.

#### BACKGROUND

The Upper Mount Emu Creek Regional Flood Investigation (the Investigation), was funded by the Department of Environment, Land, Water and Planning (DELWP) and project-managed by the Glenelg Hopkins Catchment Management Authority (GHCMA). Water Technology were contracted as the consultant to undertake the project.

The project area extends along Mt Emu Creek from Langi Kal Kal just north of Trawalla to the south of Skipton, and includes Baillie Creek from Lake Burrumbeet to its joining with Mt Emu Creek as shown by the dotted outline on **Attachment 1**.

#### Stakeholders and consultation

A project reference group was set up, to include representatives from:

- DELWP
- State Emergency Service (SES)
- Skipton Country Fire Association
- Lake Goldsmith Steam Preservation Association (LGSPA)
- Bureau of Meteorology (BOM)
- Pyrenees and Corangamite Shire Councils
- Langi Kal Kal Prison, and
- members of the local community.

Three meetings were held where the representatives were invited to provide feedback and comment on the project throughout its development.

Community members along Mt Emu Creek were also consulted to ground-truth modelling in respect of previous flood events. There was strong support from those engaged in this process that the model accurately portrayed what happened on ground during the 2011 and 2016 events.

#### Data capture

Topographical analysis (also known as 'LiDAR') was undertaken for this project to cover data gaps, ensuring complete topographical coverage of the catchment. Feature surveys were completed to pick up hydraulic infrastructure (e.g. bridges, culverts, drains) along the waterway.

#### ISSUE / DISCUSSION

The Investigation provides clear implications of flood events on the town of Skipton, but the focus of this report is on the implications of flood events on Pyrenees Shire.

Several outputs from this Investigation provide valuable information to improve flood readiness for our communities.

### **Planning Overlays**

Draft Planning Overlays (**Attachment 2**) have been produced from the modelled 1 in 100-year probability flood events (also known as the 1% Annual Exceedance Probability, or 1% AEP). The Investigation recommends that this be identified through the Land Subject to Inundation Overlay (LSIO) and the Floodway Overlay (FO). The LSIO is recommended to be used to identify all land that is inundated with floodwater during a 1% AEP event. The FO is recommended to be used to identify the land that is most significantly affected during a 1% AEP event. These recommendations align with 'Planning Practice Note 12: Applying the Flood Provisions in Planning Schemes'. Specifically, the extent of the FO as recommended in the Investigation would cover all land that:

- is under water by 0.5 metres or more during a 1% AEP event, and / or
- experiences a flood hazard factor of  $0.4\text{m}^2 / \text{second}$  during a 1% AEP event.

Separate to this project, GHAMA has been working with Council to adapt the Beaufort Local Floodplain Development Plan (LFDP), which is already within the Pyrenees Planning Scheme, into a Pyrenees-wide LFDP. The purpose of an LFDP is to outline flood risk criteria for building in a flood-prone area, and provides helpful advice to potential applicants on what they should look to do in order to protect new buildings from the predicted effects of flooding. Updating the Beaufort criteria to encompass all areas of the Shire covered by the FO and LSIO will ensure consistency with the 2019 DELWP publication 'Guidelines for Development in Flood Affected Areas'.

### **Emergency response**

Roads and buildings for each modelled flood event have been identified and mapped.

The floor levels of building within the floodplain were surveyed, which enabled an assessment for what magnitude event is likely to impact buildings, and by how much. This was also undertaken for roads using the topographical LiDAR survey, which includes both Council-managed roads and State Highways.

For the estimated 1% AEP flood events, three dwellings were identified as prone to overfloor flooding in Trawalla (nos.11 and 14 Langi Kal Kal Road, and 3862 Western Highway). Elsewhere in the study area, and again for the estimated 1% AEP flood events, 74 buildings were identified as prone to overfloor flooding at the Lake Goldsmith Steam Preservation Association site.

Flood peak travel times were established – these can help emergency response agencies understand how floods are likely to move through the catchment and estimate how much time is available for response activities such as sandbagging and evacuation.

The Investigation has also produced several tools that can be used for emergency response and education. This includes:

- A 'flood / no flood' tool for Langi Kal Kal Prison;
- Property and road inundation tables, and
- Flood intelligence cards for Trawalla and Mena Park.

The flood / no-flood tool is a low-tech rain gauge that will help observers determine the potential risk from rainwater to the prison's operations. The prison has large numbers of staff coming and going at different times of the day, and the prevention of shift-workers leaving or arriving can bring significant management issues.

The property and road inundation tables produced through the Investigation identify (a) the properties likely to be affected by flooding, (b) the periods of time those properties may be inaccessible for emergency response, and (c) the maximum likely depth of flooding over roads. In respect of each property, either a 'road closed' or 'water over road' sign is suggested.

Finally, the flood intelligence cards outline suggested actions dependent on the severity of the flood event. These tools can be included in the Municipal Flood Emergency Plan.

### **Flood warning**

The focus for flood warning was establish an official flood warning system for Skipton. The hydraulic model was used to develop theoretical rating curves at each existing and prospective gauge locations on Mt Emu and Baillie Creek. The rain gauges, if installed on these locations, would be within the Pyrenees Shire.

### **Flood damages**

A flood damages assessment was undertaken for the entire project area, including other Council areas. The average annual damage (AAD) was estimated to be \$245,000. This figure is derived from a complex assessment of anticipated annual average costs of flood events.

### **Structural mitigation options**

The extent and effect of flooding on the Upper Mount Emu Creek floodplain is broadly known and understood by the farming community in the area. The effect of flood events on roads and other community and private infrastructure is also broadly known. Until now, however, that knowledge has not had a scientific assessment and so the impact of likely flood events (e.g. water height, geographic area, duration) has not been fully understood. It was not known where the recent flood events in the area would sit on the scale of risk, and nor was the possible cost/benefit of any mitigation measures known. The Investigation undertaken solidifies that understanding while also providing a key reference document for future Planning Scheme Amendments and future investment on community infrastructure.

In addition to the tools described above, potential mitigation measures to alleviate flood risk at the Lake Goldsmith Steam Rally Site were also assessed. The construction of a levee was found to be cost-effective when assessed against the financial benefit the LGSRS is estimated to bring to the region. Other options were considered but discounted because the effect on reducing the impact on flooding was minimal or the cost/benefit analysis was not favourable. These discounted options were the opening of the Carngham-Lake Goldsmith Road bridge, a Lake Goldsmith diversion channel, and an increase of the Glenelg Highway bridge capacity. The estimated cost of the levee is just over \$700,000 and it is estimated it would reduce the Average Annual Damage figure of \$245,000 per year to just under \$145,000 per year.

The findings are invaluable in providing clear direction for the Lake Goldsmith Steam Preservation Association as to the most appropriate flood mitigation option available to them. The Investigation also helps guide decisions regarding future development and use of their site.

## **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Strategic Objective 1 - Roads and Townships. We will plan, manage, maintain and renew infrastructure in a sustainable way that responds to the needs of the community.

5.1 - Provide efficient and effective land use planning, ensuring local policies within the Pyrenees Planning Scheme remain relevant and forward looking.

## **ATTACHMENTS**

13.2.1 Extent of project area

- 13.2.2 Draft Planning Scheme Floodway Overlay and Land Subject to Inundation Overlay extents
- 13.2.3 Upper Mount Emu Creek Flood Investigation - Summary Report
- 13.2.4 Upper Mount Emu Creek Flood Investigation - Flood Warning Report
- 13.2.5 Upper Mount Emu Creek Flood Investigation - Flood Damages and Mitigation Options Assessment
- 13.2.6 Upper Mount Emu Creek Flood Investigation - Emergency Response Tools

### **FINANCIAL / RISK IMPLICATIONS**

Flood-related damages to Council-managed infrastructure and to private infrastructure, including irreplaceable historic artefacts at the Lake Goldsmith Steam Preservation Society site.

Council has no forward or current budget for any of the proposed mitigation measures.

### **CONCLUSION**

The Investigation has identified clearly flood event extent and impact in the Upper Mount Emu Creek catchment. It has also recommended reviewing the potential for updating the Pyrenees Planning Scheme to add the Floodway Overlay and Land Subject to Inundation Overlay. The Investigation made no further recommendations regarding structural or other mitigations measures. A number of those mitigation measures relate to, or would benefit, land outside of Pyrenees Shire.

It is concluded that the Investigation provides sufficient evidence to support a Planning Scheme Amendment in respect of the two Overlays described. It is further concluded that the other identified mitigation measures be noted and supported for inclusion in the Municipal Flood Emergency Plan. The final conclusion is that proponents of those identified mitigation measures which require external funding should be supported in seeking that funding.

### **CR EASON / CR CLARK**

That Council:

1. Endorses the Planning Control recommendations as outlined in the Upper Mount Emu Creek Regional Flood Investigation;
2. Endorses the identified flood mitigation measures as outlined in the Upper Mount Emu Creek Regional Flood Investigation as possible options for implementation through external funding;
3. Seeks authorisation from the Minister for Planning under section 8A of the *Planning and Environment Act 1987* to prepare a Planning Scheme Amendment to incorporate into the Pyrenees Planning Scheme the recommended Land Subject to Inundation Overlay and Floodway Overlay, and
4. Following receipt of authorisation from the Minister for Planning, prepares that Planning Scheme Amendment in accordance with section 12 of the *Planning and Environment Act 1987*, and exhibits that Amendment under sections 17, 18 and 19 of that Act.

**CARRIED**

### **13.3 RAGLAN FLOOD INVESTIGATION**

**Douglas Gowans – Director Assets and Development Services**

**Declaration of Interest:** As author of this report I have no disclosable interest in this item.

**File No:** 20/06/02

#### **PURPOSE**

The purpose of this report is to seek Council endorsement of the Raglan Flood Investigation and also to obtain Council approval to seek authorisation from the Minister of Planning to prepare and exhibit a Planning Scheme Amendment to implement findings of the Investigation.

#### **BACKGROUND**

The Raglan Flood Investigation (the Investigation), was funded by the Department of Environment, Land, Water and Planning (DELWP) and project-managed by Pyrenees Shire Council with support from Glenelg Hopkins Catchment Management Authority (GHCMA). Catchment Simulation Services were contracted as the consultant to undertake the project.

The project area extends along Fiery Creek from Pitchers Lane (located about 3 km upstream of Raglan) down to the Western Highway (located about 6km downstream of Raglan). It also incorporates each of the major tributaries draining through Raglan and into Fiery Creek.

The Fiery Creek channel in the vicinity of Raglan is a natural channel of variable width/depth and condition. The creek width varies from around 6 metres upstream of Raglan to around 20 metres downstream of Raglan. Although much of the creek is well-vegetated with good integrity, other sections of the creek show notable erosion. This is particularly evident directly north of Old Beaufort Road.

There is limited stormwater infrastructure within the town with no formalised stormwater system. The roadside areas are most-commonly drained by open roadside drains that convey runoff to dedicated cross-drainage structures (e.g. culverts).

#### **Stakeholders and consultation**

A project reference group (PRG) was set up, to include representatives from:

- DELWP
- VICSES
- Pyrenees Shire Council
- Glenelg Hopkins Catchment Management Authority
- Central Highlands Water
- Members of the local community

Three meetings were held where representatives were invited to provide feedback and comment on the project throughout its development.

Three PRG meetings were held where the representatives were updated on the project and had the opportunity to provide feedback and comment. The representatives also provided comments on the project reports before they were finalised.

Community consultation was carried out during three stages of the project. The initial round during the data collection phase sought to collect community flood intelligence, determine what flooding issues the community are concerned by, and understand attitudes towards flooding. An Information Brochure and Questionnaire was sent to 200 addresses and available to complete online via Council's website, with 21 questionnaire responses received. The next round of community consultation was carried out once the flood models had been completed to develop structural mitigation options.



The final round, which included a preliminary Community Update mailout to 200 addresses, was held in early July 2020 to enable the community to provide feedback on the structural mitigation options assessment and flood warning review.

### **Data capture**

Topographical analysis (also known as 'LiDAR') was undertaken for this project to cover data gaps, ensuring complete topographical coverage of the catchment. Feature surveys were completed to pick up hydraulic infrastructure (e.g. bridges, culverts, drains) along the waterway.

A range of data was supplied by Council and the GHCMA, primarily related to topographic data, engineering plans of hydraulic features throughout the study area, flood level survey post flooding in 2010 in the area and aerial photography. Rainfall and stream gauge data was also made available. Additional survey data was collected as part of this study, including hydraulic structures (e.g. bridges, culverts, drains) across sections of the creeklines and floor levels of existing properties.

### **ISSUE / DISCUSSION**

The investigation provides clear implications of flood events on Raglan, and particularly the residential properties within the township. Several outputs from this Investigation provide valuable information to improve flood readiness.

#### **Existing situation**

Flood damage calculations were undertaken to identify existing flood risk to the Raglan settlement. For events up to the 1% AEP flood event there are no properties with above-floor flooding and the damage estimate is comprised entirely of external damage. The number of properties impacted by above-floor flooding in the 0.2% AEP design flood event rises to 4, and then to 19 during the probable maximum flood event. The average annual damage (AAD) at Raglan is estimated at between \$7,800 to \$11,800, which is considered low.

The Investigation identified a low-level of flood risk in Raglan when assessed against the new Bureau of Meteorology's "Flash Flood Advisory Resource" [FLARE].

#### **Structural mitigation options**

Six separate options to address flood risk were raised with the project team:

- Raise Old Beaufort Rd
- Raise Raglan-Eurambeen Rd
- Raise Raglan-Elmhurst Rd
- Widen Fiery Creek crossing at Raglan-Elmhurst Rd
- Upgrade drainage
- Channel clearing

Each was assessed against a range of criteria (such as technical and economic feasibility, community acceptance, and emergency response impacts) to determine the relative and actual viability of each option. No weighting was attached to any of the criteria in making an assessment. Against the low-level flood risk identified, it was concluded that none of the structural mitigation options were viable.

#### **Planning Overlays**

The design flood mapping identified areas within and around the township of Raglan that are affected by flooding. These have been mapped (**Attachment 2**) and are recommended for inclusion in the Pyrenees Planning Scheme under either the Floodway Overlay (FO) or Land Subject to Inundation Overlay (LSIO). Planning Scheme Amendment documents have been prepared for the implementation of these Overlays.

The application of these Overlays will assist Local Government, the Catchment Management Authority, and the community in carrying out effective planning and management of flood-prone land within Raglan.

Separate to this project, GHAMA has been working with Council to adapt the Beaufort Local Floodplain Development Plan (LFDP), which is already within the Pyrenees Planning Scheme, into a Pyrenees-wide LFDP. The purpose of an LFDP is to outline flood risk criteria for building in a flood-prone area, and provides helpful advice to potential applicants on what they should look to do in order to protect new buildings from the predicted effects of flooding. Updating the Beaufort criteria to encompass all areas of the Shire covered by the FO and LSIO will ensure consistency with the 2019 DELWP publication 'Guidelines for Development in Flood Affected Areas'. The Raglan Flood Investigation supports changing the LFDP to apply to the Raglan area, but recommends against more specific Planning controls than this in the Raglan area.

### **Other mitigation options**

Other options regarding community education and simplified flood warning systems to help mitigate against flood risk in the area were identified. These options were assessed as more cost-effective and likely to have a broader reach in the community compared with the structural mitigation options initially identified. The following response options have been identified for Council to consider:

#### *Flood depth indicators*

Flood depth indicators installed at the Raglan–Elmhurst Road crossing would show the depth of water across the roadway, helping advise whether or not the roadway may be safe to cross in a vehicle. However, emergency services advocate not driving through any floodwater regardless of depth because the integrity of the road surface beneath the water cannot be guaranteed. Therefore, installation of depth indicators may increase the number of vehicles driving through water. If this option is pursued it should be supplemented with information signage advising drivers to not drive through floodwaters and/or other education material.

#### *Rain Gauge*

A real-time rain gauge (pluviograph) would provide some advanced warning to emergency responders and Council and would provide local awareness during a flood event. These systems can be set up to provide automated alerts through SMS or through online social media platforms based on pre-programmed trigger levels. The Investigation recommends that a gauge to Bureau of Meteorology specifications is installed given the possibility of non-specification gauges failing and also the lack of suitable locations for these. A key consideration for any gauge system is ongoing maintenance, generally annual, for which Council would be financially responsible. Gauge providers typically offer maintenance contracts.

In addition, the Investigation noted that the Upper Avoca Creek, Upper Mt Emu Creek and Raglan Flood Investigations are being undertaken at the same time, and since Council has also completed the Beaufort Flood Study and preliminary flood investigations for Lexton and Waubra, it has significant information covering the major flood affected centres in the Shire. The Investigation recommends the development of an integrated, ongoing flood community education program. There is now an opportunity to work with DELWP to develop a strategic overarching rain gauge map for the whole of the Shire, ensuring Council resources required for ongoing maintenance are directed to those areas that will benefit most from rainfall monitoring.

### **Emergency response**

The Investigation has also produced several tools that can be used for emergency response and education. This includes:

- A 'flood / no flood' tool for Raglan;
- A Flood Intelligence Card for the Raglan-Elmhurst Road crossing of Fiery Creek;
- A residential-first AEP Flood Map, identifying which properties will be flooded during which kind of flood event, and
- Road inundation tables.

These tools combine to provide emergency response services, Council, and other stakeholders to prepare for and respond to different kinds of flood events in Raglan and therefore to prioritise their response strategy in each case. These tools can be included in the Municipal Flood Emergency Plan.

### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Strategic Objective 1 - Roads and Townships. We will plan, manage, maintain and renew infrastructure in a sustainable way that responds to the needs of the community.

5.1 - Provide efficient and effective land use planning, ensuring local policies within the Pyrenees Planning Scheme remain relevant and forward looking.

### **ATTACHMENTS**

- 13.3.1 Raglan Flood Investigation - Study Area
- 13.3.2 Raglan Flood Investigation - Recommended Planning Scheme Overlays
- 13.3.3 Raglan Flood Investigation - Summary Report
- 13.3.4 Raglan Flood Investigation - Flood Warning Assessment

### **FINANCIAL / RISK IMPLICATIONS**

There are financial risks associated with flood-related damages to Council-managed infrastructure and to private infrastructure. This can be mitigated through planning controls and other mitigation measures with some measures being implemented at minimal cost to Council.

### **CONCLUSION**

The Investigation has identified clearly flood event extent and impact in the Raglan catchment. It has also recommended updating the Pyrenees Planning Scheme to add the Floodway Overlay and Land Subject to Inundation Overlay. The Investigation did not find any structural mitigation viable for further consideration, but recommended alternative, non-structural mitigation options.

It is concluded that the Investigation provides sufficient evidence to support a Planning Scheme Amendment in respect of the two Overlays described. It is further concluded that the non-structural mitigation measures be noted and supported for inclusion in the Municipal Flood Emergency Plan.

### **CR CLARK / CR EASON**

That Council:

1. Endorses the Raglan Flood Investigation report;
2. Seeks authorisation from the Minister for Planning under section 8A of the *Planning and Environment Act 1987* to prepare a Planning Scheme Amendment to incorporate into the Pyrenees Planning Scheme the recommended Land Subject to Inundation Overlay and Floodway Overlay; and
3. Following receipt of authorisation from the Minister for Planning, prepares that Planning Scheme Amendment in accordance with section 12 of the *Planning and Environment Act 1987*, and exhibits that Amendment under sections 17, 18 and 19 of that Act.

**CARRIED**

### 13.4 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE PROGRAM

**Douglas Gowans – Director Assets and Development Services**

**Declaration of Interest:** As author of this report I have no disclosable interest in this item.

**File No:** 32/13/08

#### PURPOSE

The purpose of this report is to seek further direction from Council about the projects to be funded under the Local Roads and Community Infrastructure Program.

#### BACKGROUND

Council considered a report at the July 2020 Council Meeting regarding the allocation of \$1,394,921 through the Local Roads and Community Infrastructure Program (LRCIP) which has been designed by the Commonwealth Government as part of its economic stimulus package.

Council resolved to endorse the following projects:

|                           |  |           |
|---------------------------|--|-----------|
| Lexton Community Hub      | Contribution towards funding shortfall   | \$684,921 |
| Snake Valley Intersection | To improve traffic safety  | \$90,000  |
| Footpaths                 | Avoca  | \$120,000 |
| Footpaths                 | Beaufort   | \$200,000 |
| Footpaths                 | Snake Valley   | \$150,000 |
| Swimming Pools            | Replace / renew fencing at Avoca, Beaufort, and Landsborough pools.                          | \$100,000 |
| Swimming Pools            | Replace/renew various pool infrastructure assets at Avoca, Beaufort, and Landsborough pools. | \$50,000  |

Following the Council meeting, officers submitted the projects as listed and received some initial feedback from the funding body that projects that had already received Commonwealth funding were likely to be ineligible.

The full assessment has yet to happen and Council will have the ability, either before or after the projects are assessed, to withdraw individual projects and replace them with eligible ones.

#### ISSUE / DISCUSSION

Based on the initial feedback, council officers are of the view that it would be prudent to exchange the projects as soon as possible.

At its July Council meeting, Council also considered a number of other potential projects that could be eligible under this fund.

| Project                 | Description   | Reason for inclusion  | Estimated Amount X\$1000 |
|-------------------------|---|---|--------------------------|
| Public Lighting Project | Replacement of street lights with energy efficient lighting | Long term financial saving. Identified CVGA project supported by council. | \$110                    |
| Langi Kal Kal Road      | Renew / upgrade southern section to improve access.         | Part of forward works program and shovel ready.                           | \$350                    |

Council has the ability to now either include these projects or submit additional projects to the total value project of \$684,000.

### Project Options

Council could determine to support the projects on the list or add to the existing approved projects. If Council were to support both the Public lighting project and the Langi Kal Kal Road project there would be a project value of \$224,000 to be further allocated.

Additional projects that meet the original Council resolution principles that could be considered include:

| Project  | Description   | Reason for inclusion  | Estimated Amount X\$1000 |
|--|---|---|--------------------------|
| Carngham Streatham Road Rehabilitation Project | Renew sections of Carngham Streatham Road that have identified failures.    | To renew ageing assets  | \$224                    |
| Sealing of floodways                           | Provide a sealed surface on repaired floodways to limit erosion from floods | Identified asset improvement to limit Council's future flood liability. | \$224                    |

### COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 1 - Roads and Townships. We will plan, manage, maintain and renew infrastructure in a sustainable way that responds to the needs of the community.

1.1 - Ensure local roads are maintained and renewed in line with adopted plans and strategy to provide a safe transport network and meet community needs.

1.2 - Maintain and renew Council's facilities and built assets in line with community service needs.

1.4 - Maintain, develop and renew the public amenity of our townships in consultation with our communities.

### ATTACHMENTS

Nil

### FINANCIAL / RISK IMPLICATIONS

There is an opportunity to reduce Council's financial burden through the renewal and improvement of Council managed assets funded under the Local Roads and Community Infrastructure Program.

Council has committed to delivering the Lexton Community Hub Project and has funding agreements that require Council to fund any shortfalls in funding to deliver the project. There is potential for Council to self-fund the previously allocated \$684,000 from Councils Working Capital Surplus.

### CONCLUSION

Council direction is sought on projects to be funded under the Local Roads and Community Infrastructure Program.

### CR VANCE / CR FERRARI

That Council, in the event that the Lexton Community Hub is ineligible under this program, nominates the following projects for inclusion under the Local Roads and Community Infrastructure Program:

- Langi Kal Kal Road \$350,000
- Carngham Streatham Road Rehabilitation \$334,921

**CARRIED**

## CORPORATE AND COMMUNITY SERVICES

### 13.5 OUTSTANDING RATES AND CHARGES

#### April Ure – Property Revenue Officer

**Declaration of Interest:** As author of this report I have no disclosable interest in this item.

**File No:** 52/08/02

#### PURPOSE

The purpose of this report is to outline the level of Rates and Charges currently outstanding, and consider rescinding the previous suspension on all legal action, in response to COVID19, in certain circumstances.

#### BACKGROUND

Rates and Charges are raised against assessable properties annually and form a major part of Council's income in the Annual Budget.

Diligent follow-up of the collection of this revenue ensures that Council's policies for collection are equitably imposed across the shire.

#### ISSUE / DISCUSSION

In order to provide good financial governance, Council is required to actively pursue long overdue rate accounts in order for it to not lead to an increase in long-term debtors and a corresponding reduction in cash available to meet Council's operating requirements. The effect of this situation is that those ratepayers who pay their rates on time are ultimately subsidising those ratepayers who choose not to pay anything towards their rates for several years.

As at 31<sup>st</sup> July 2020, an amount of \$500,828.46 for Rates and Charges was classified as being payable to Council. This represents 4.43% of the amount due in the 2019/20 financial year.

Ratepayers have the option to pay by four instalments, or in full by the 15<sup>th</sup> February 2020. All ratepayers who failed to make the expected payment by the 15<sup>th</sup> February 2020 received the following process if they failed to make contact at any given stage:

| <b>Action</b>  | <b>Action completed</b>   |
|--|---|
| 2019/20 Rates Notices issued                             | August 2019   |
| <i>Full payment due by 15<sup>th</sup> February 2020</i> |   |
| Penalty free reminder sent via text message              | <i>Full payment extended to 23<sup>rd</sup> February 2020</i> 17-20 February 2020                     |
| Reminder Notice  | <i>Full payment or arrangement extended to 20<sup>th</sup> March 2020</i> 24 February 2020            |
| Debt Collection Letter                                   | <i>Full payment or arrangement extended to 10<sup>th</sup> April 2020</i> 23 <sup>rd</sup> March 2020 |
| Debt Collection text message (follow up to letter)       | 15 <sup>th</sup> April 2020   |
| Debt Collection phone call (follow up to letter)         | Late April 2020   |

In line with Council’s response to COVID-19, legal action has been suspended on all accounts with the Debt Collection Agencies. An alternative collection procedure was taken in response to the impact of COVID19 on the community. Officers were pro-active than reactive and reaching out to the ratepayer in a non-threatening manner with a customer centric approach. These actions gave Council a more strategic perspective as to the position of their individual ratepayers with the data that was collected during customer engagement calls to assess eligibility for Hardship.

In regular circumstances, Council would have proceeded with legal action on these accounts in April, however were unable to due to the uncertainty of the impact of COVID19. This legal action is normally taken at the discretion of the Property Revenue Officer, as an operational matter, in line with the authorised Delegation of Authority.

Of the outstanding amount, \$178,597.22 remains outstanding prior to 2019/20 billing, and Council and its Debt Collection Agency have not been successful in arranging payment for the arrears. The breakdown of these assessments with outstanding balances is:

| <b>Differential</b>          | <b># Assessments</b> | <b>\$ Arrears as at 31/07/2020</b> |
|------------------------------|----------------------|------------------------------------|
| VACANT LAND <2HA             | 6                    | \$21,234.49                        |
| VACANT LAND BETWEEN 2 & 40HA | 6                    | \$24,898.56                        |
| VACANT LAND >40HA            | 1                    | \$6,501.03                         |
| RESIDENTIAL                  | 19                   | \$89,954.71                        |
| INDUSTRIAL                   | 1                    | \$1,818.12                         |
| FARMS ALL TYPES              | 5                    | \$34,190.31                        |
|                              | <b>38</b>            | <b>\$178,597.22</b>                |

*Note: the above only includes properties that have not made an arrangement and have two or more years outstanding. Legal action would not be considered on properties that have an arrangement unless they ceased making payments. Some accounts in the above may have already commenced legal proceedings in 2019, however this action has halted in response to COVID19.*

It is suggested that Council Officers be allowed to proceed with existing and new legal action on properties that have two or more years outstanding, in order to ensure that Council can continue to collect the outstanding revenue in a responsible manner, where there is no existing arrangement or hardship known about.

Where there is any indication that the ratepayer is in Hardship due to COVID19 or normal circumstances, all action will be terminated, and the outstanding amount will be dealt with in accordance with Council’s Hardship Policy.

**COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Strategic Objective 1 - Leadership

1.1 - Communicate the Council's decisions, policies and activities and the reasons behind them, in a form relevant to ratepayer needs and expectations in accordance to Council's communication strategy.

**ATTACHMENTS**

Nil

**FINANCIAL / RISK IMPLICATIONS**

Costs associated with the collection of outstanding rates and charges are incurred by the ratepayer.

## **CONCLUSION**

As at 31<sup>st</sup> July 2020, an amount of \$500,828.46 for Rates and Charges was classified as being outstanding to Council for the 2019/20 financial year. Ratepayers had to opportunity to make an arrangement with Council or the Debt Collection Agency, however many have failed to do so leaving Council with a reduction in cash available to meet Council's operating requirements.

## **CR EASON / CR CLARK**

That Council:

1. Receives the Outstanding Rates and Charges report as at 31<sup>st</sup> July 2020;
2. Amends the previous decision to cease all legal action on outstanding debts, in response to the impact of COVID19 on the community to incorporate Item 3 below;
3. Agrees to allow Officers to commence or continue existing legal action where an assessment has two or more years of Rates and Charges outstanding and there is no indication of hardship.

**CARRIED**



### 13.6 COMMUNITY ASSET COMMITTEE DELEGATIONS 2020

**Kathy Bramwell – Director Corporate and Community Services**

**Declaration of Interest:** As author of this report I have no disclosable interest in this item.

**File No:** 16/16/04, 16/16/10, 16/16/24, 16/16/20, 16/16/26

#### PURPOSE

The purpose of this report is for Council to formally establish and adopt Instruments of Delegations for its Community Asset Communities in accordance with the Local Government Act 2020 (the Act).

#### BACKGROUND

Section 65(1) of the Act allows Council to establish Community Asset Committees and appoint members to those Committees as necessary to enable a Committee to manage a community asset within the municipal district.

Section 47(1)(b) of the Act allows the Chief Executive Officer, by instrument of delegation, to delegate any power, duty or function of the Council that has been delegated to the Chief Executive Officer to the members of a Community Asset Committee. Delegations must include:

- Specified limit on any financial delegation and the specified purpose for which the financial delegation may be used,
- Compliance with specified governance requirements to ensure appropriate standards of probity are met, and
- Specified monitoring and reporting of the activities and performance of the Community Asset Committee.

Community Asset Committees represent committees that were formally governed under section 86 of the Local Government Act 1989, now repealed.

It is required that establishment of Community Asset Committees and adoption of relevant Instruments of Delegation be implemented for the first time by 1<sup>st</sup> September 2020.

#### ISSUE / DISCUSSION

Council has five former s.86 Committees which it is proposed be established under the Act as Community Asset Committees to manage the following community assets:

- Beaufort Community Bank Complex
- Brewster Hall
- Landsborough Community Precinct
- Snake Valley Hall
- Waubra Community Hub

Draft Instruments of Delegation are attached for each Committee for Council adoption as part of the establishment of these Committees.

Council is also requested to formalise appointments to the Community Asset Committees as follows:

|                                 |  |
|---------------------------------|--|
| Beaufort Community Bank Complex | <ul style="list-style-type: none"><li>• Maurice Trainor – Beaufort Agricultural Society</li><li>• Jim Mahoney – Community Representative</li><li>• Lynelle Day – Beaufort Football &amp; Netball Club</li><li>• Jenny Trengove – Community Representative</li><li>• Trish Collins – Community Representative</li></ul> |
|---------------------------------|--|

|                                 |   |
|---------------------------------|---|
|                                 | <ul style="list-style-type: none"> <li>• Vicki Hancock – Beaufort Community Bank</li> <li>• Brett Chamings – Beaufort &amp; District Little Athletics Club</li> <li>• Kate McGinty – Beaufort Secondary College</li> <li>• Seean Broadbent – Beaufort Cricket Club</li> <li>• Cr Damian Ferrari – Pyrenees Shire Council</li> </ul>   |
| Brewster Hall                   | <ul style="list-style-type: none"> <li>• Richard Hayward</li> <li>• Anne Morcombe</li> <li>• Lyn Hayward</li> <li>• Jenny Verberne</li> <li>• David Morcombe</li> <li>• Gary Hayward</li> <li>• Gary Swann</li> <li>• John Dunn</li> </ul>  |
| Landsborough Community Precinct | <ul style="list-style-type: none"> <li>• Graeme Sandlant (Chair)</li> <li>• Vonda Sandlant</li> <li>• Michael Coughlan</li> <li>• Cr Robert Vance (Council)</li> </ul>  |
| Snake Valley Hall               | <ul style="list-style-type: none"> <li>• Kate Breen (President)</li> <li>• Ann Collette (Vice President)</li> <li>• Clayton Keefe (Secretary / Treasurer)</li> <li>• Sonia Missen (Booking Officer)</li> <li>• Tony Collett</li> <li>• Shirley Carson</li> <li>• Lyn White</li> <li>• Gay Pearse</li> <li>• Tania Currie</li> <li>• Sherry McCarthy</li> <li>• Danie Vecchio</li> </ul>   |
| Waubra Community Hub            | <ul style="list-style-type: none"> <li>• Cath Koros</li> <li>• Peter Beckwith</li> <li>• Kerryn Gallagher</li> <li>• Marie Loader</li> <li>• Simon Tol</li> <li>• Karen Hinchcliffe</li> <li>• Pat Clark</li> <li>• Cr David Clark (Council)</li> <li>• Community members when available: <ul style="list-style-type: none"> <li>○ Ken Fraser</li> <li>○ Kate Tol</li> <li>○ Karen Molly</li> <li>○ Jim Troy</li> </ul> </li> </ul> |

#### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Section 65 of the Local Government Act 2020 allows councils to establish Community Asset Committees and appoint members to those committees as needed to manage community assets within the municipal district.

Section 47 of the Local Government Act 2020 allows for delegations, via instruments of delegation, to be provided to members of Community Asset Committees.

As part of the implementation of the 2020 Act, it is required that Council establishes its Community Asset Committees and adopt relevant instruments of delegation by 1<sup>st</sup> September 2020.

### **ATTACHMENTS**

- 13.6.1 Instruments of Delegation for Beaufort Community Bank Complex
- 13.6.2 Instruments of Delegation for Brewster Hall
- 13.6.3 Instruments of Delegation for Landsborough Community Precinct
- 13.6.4 Instruments of Delegation for Snake Valley Hall
- 13.6.5 Instruments of Delegation for Waubra Community Hub

### **FINANCIAL / RISK IMPLICATIONS**

All financial and risk implications have been dealt with in the body of this report.

### **CONCLUSION**

The Local Government Act 2020 allows Councils to establish Community Asset Committees to manage community assets within the Pyrenees Shire. Community Asset Committees were formerly known as section 86 committees. Council is requested to establish five Community Asset Committees and adopt instruments of delegation to allow these committees to operate.

### **CR CLARK / CR FERRARI**

That Council:

1. Establishes five Community Asset Committees to manage the following community assets on its behalf:
  - a. Beaufort Community Bank Complex
  - b. Brewster Hall
  - c. Landsborough Community Precinct
  - d. Snake Valley Hall
  - e. Waubra Community Hub
2. Formally appoints the following community representatives to the Community Asset Committees:
  - a. Beaufort Community Bank Complex:
    - Maurice Trainor – Beaufort Agricultural Society
    - Jim Mahoney – Community Representative
    - Lynelle Day – Beaufort Football & Netball Club
    - Jenny Trengove – Community Representative
    - Trish Collins – Community Representative
    - Vicki Hancock – Beaufort Community Bank
    - Brett Chamings – Beaufort & District Little Athletics Club
    - Kate McGinty – Beaufort Secondary College
    - Sean Broadbent – Beaufort Cricket Club

b. Brewster Hall:

- Richard Hayward
- Lyn Hayward
- David Morcombe
- Gary Swann
- Anne Morcombe
- Jenny Verberne
- Gary Hayward
- John Dunn

c. Landsborough Community Precinct:

- Graeme Sandlant (Chair)
- Michael Coughlan
- Vonda Sandlant

d. Snake Valley Hall:

- Kate Breen (President)
- Clayton Keefe (Secretary/Treasurer)
- Tony Collette
- Lyn White
- Tania Currie
- Danie Vecchio
- Ann Collette (V. President)
- Sonia Missen (Booking Officer)
- Shirley Carson
- Gay Pearse
- Sherry McCarthy

e. Waubra Community Hub:

- Cath Koros
- Kerry Gallagher
- Simon Tol
- Pat Clark
- Kate Tol – Community Member
- Jim Troy – Community Member
- Peter Beckwith
- Marie Loader
- Karen Hinchcliffe
- Ken Fraser – Community Member
- Karen Molly – Community Member

3. Adopts the attached Instruments of Delegation, with or without amendments, for each of the Community Asset Committees established under section 65 of the Local Government Act 2020, as attached to this report; and
4. Requires, in accordance with section 47(6) of the Local Government Act 2020, Council Officers to appropriately guide and monitor activities of the Community Asset Committees established under section 65 of the Act, and report annually on committee activities to Council.

**CARRIED**

### 13.7 DELEGATIONS UPDATE

**Kathy Bramwell – Director Corporate and Community Services**

**Declaration of Interest:** As author of this report I have no disclosable interest in this item.

**File No:** 16/20/08

#### PURPOSE

The purpose of this report is for Council to review and adopt updated delegations in accordance with the *Local Government Act 2020* (the Act).

#### BACKGROUND

The *Local Government Act 2020* (the Act) requires Council to review its delegations, appointments and authorisations:

- By 1<sup>st</sup> September 2020, pursuant to s 11(9) of the Act which provides for all delegations made under the *Local Government Act 1989* to only remain in force until that date, and
- Within 12 months of a general election, pursuant to s 11(7) of the Act.

Council is advised by Maddocks Lawyers in preparation of Instruments of Delegation, Appointment & Authorisation. Updates were received in July 2020 following the introduction of the Act.

#### ISSUE / DISCUSSION

In accordance with s 11(9) of the Act, Council delegations currently in force have been reviewed and updated as follows:

- S5 Instrument of Delegation: Council to Chief Executive Officer
- S6 Instrument of Delegation: Council to Members of Council Staff
- S11 Instrument of Appointment and Authorisation – Authorised Officers
- S11A Instrument of Appointment and Authorisation – Planning & Environment Act 1987

Advice from Maddocks in 2019 indicated also that individual S11 and S11A Instrument of Appointment and Authorisation should be done for individual officers, this is considered best practice and allows for separate officers to provide original delegation documents in evidence where legally required. A combined PDF of the individual instruments has been provided to Council for consideration, but the original documents will be signed and sealed separately.

Changes to individual documents are largely non-material, primarily administrative and formatting updates. Changes also reflect transition from old Acts to new:

- Transition from the *Local Government Act 1989* to the *Local Government Act 2020*, and
- Transition from the *Emergency Management Act 1986* to the *Emergency Management Act 2013* on or before 1<sup>st</sup> December 2020.

#### **Changes resulting from transition to the Emergency Management Act 2013**

The key change to delegations arising from the transition to the Emergency Management Act 2013 is the mandating of two new emergency management roles within Victorian local government agencies.

- **Municipal Emergency Management Officer [MEMO]:** This leads the planning of emergency management within councils, including the development and maintenance of the Municipal Emergency Management Plan. This newly mandated role is a combination of the former mandated role of Municipal Emergency Resources Officer [MERO] and the discretion role of Municipal Emergency Manager [MEM].

It is proposed that the MEMO role be allocated to the Manager Governance Risk & Compliance as this role includes oversight of the emergency management planning function, including the Emergency Management Coordinator.

It is proposed that this role be supported by other staff allocated as deputy MEMOs – four focusing on the resourcing of Council staff and equipment as part of emergency response, and three focusing on planning in support of the key MEMO. This will allow continued operation in the event of a prolonged event.

- Deputy MEMO (Resources) – Director Assets & Development Services
- Deputy MEMO (Resources) – Manager Works
- Deputy MEMO (Resources) – Manager Assets & Engineering
- Deputy MEMO (Resources) – Projects Officer
- Deputy MEMO (Planning) – Director Corporate & Community Services
- Deputy MEMO (Planning) – Manager Planning & Development
- Deputy MEMO (Planning) – Emergency Management Coordinator

As from the 1<sup>st</sup> December 2020, the position of MERO has been deleted as a mandated role from relevant legislation.

- **Municipal Recovery Manager [MRM]:** The MRM role has always been part of Council's emergency management leadership but was previously not mandated. The *Emergency Management Act 2013* now mandates that councils must formally appoint this role.

It is proposed that the MRM role be allocated to the officer currently operating in that position – the Manager Community Wellbeing and Development. This role leads the relief and recovery operations in the event of a significant disruption or disaster.

It is proposed that this role be supported by other staff allocated as deputy MRMs:

- Manager Economic Development & Tourism
- Emergency Management Coordinator

Instruments relating to S11 have been updated with these proposed appointments.

All documents have been provided under separate cover to Council for consideration, adoption, and sealing.

### **Delegations by the CEO and MBS**

Delegations listed below are also under review and will be authorised by the CEO or MVS prior to 1<sup>st</sup> September 2020. These documents do not require a resolution of Council or implementation through the Council Seal.

- S7 – Delegation from the CEO to Council Staff
- S13 – Listing of CEO Powers
- S14 – Delegation from the CEO to Council Staff for the purposes of VicSmart Applications
- S16 – Delegation from the CEO to Council Staff for the purposes of bushfire reconstruction
- S15 Instrument of Appointment and Authorisation – Freedom of Information Act 1982
- S17 Instrument of Appointment and Authorisation – Oaths & Affirmations Act 2018
- S12 – Instrument of Delegation and Authorisation by the Municipal Building Surveyor

A copy of the amended delegations by the CEO and MBS will be provided to Council for information, following implementation, in September 2020.

Council is now requested to consider and adopt all attached documents.

## **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Section 11(9) of the *Local Government Act 2020* provides for all delegations made under the *Local Government Act 1989* to only remain in force until 1<sup>st</sup> September 2020. New Delegations must be adopted by that date.

## **ATTACHMENTS**

- 13.7.1 S5 Instrument of Delegation to the Chief Executive Officer
- 13.7.2 S6 Instrument of Delegation to Members of Council Staff
- 13.7.3 S11 Instrument of Appointment and Authorisation – Authorised Officers
- 13.7.4 S11A Instrument of Appointment and Authorisation – Planning & Environment Act 1987
- 13.7.5 Combined PDF of Instruments of Appointment and Authorisation for individual authorised officers

## **FINANCIAL / RISK IMPLICATIONS**

All financial and risk implications have been dealt with in the body of this report.

## **CONCLUSION**

To legally allow staff to enforce provisions of legislation, Council must review its delegations and instruments of appointment and authorisation prior to 1<sup>st</sup> September 2020. Amended delegations and instruments, once approved by Council, will remain in force until the next review which must be within 12 months of a general election.

## **CR FERRARI / CR EASON**

In the exercise of the powers conferred by the *Local Government Act 2020* and other legislation referred to in the attached Instruments of Delegation and Instruments of Appointment and Authorisation, it is recommended that Council resolves that:

1. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the following Instruments, the powers, duties and functions set out in those Instruments, subject to the conditions and limited specified in those Instruments:
  - a. S5 Instrument of Delegation to the Chief Executive Officer
  - b. S6 Instrument of Delegation to Members of Council Staff
  - c. S11 Instrument of Appointment and Authorisation – Authorised Officers
  - d. S11A Instrument of Appointment and Authorisation – Planning & Environment Act 1987
  - e. Individual Instruments of Appointment and Authorisation for individual authorised officers
2. Each of the Instruments listed above comes into force immediately the common seal of Council is affixed to the individual Instrument and remain in force until Council determines to vary or revoke them.
3. On the coming into force of the Instruments, all previous delegations and appointments / authorisations by Council to members of Council staff are revoked.
4. The duties and functions set out in each Instrument must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

**CARRIED**

### **13.8 ADOPTION OF 2020 GOVERNANCE RULES & SUPPORTING DOCUMENTS**

**Kathy Bramwell – Director Corporate and Community Services**

**Declaration of Interest:** As author of this report I have no disclosable interest in this item.

**File No:** 16/20/02

#### **PURPOSE**

The purpose of this report is for Council to adopt the Governance Rules and supporting documents making up the governance framework, implemented in accordance with the *Local Government Act 2020*.

#### **BACKGROUND**

The *Local Government Act 2020* (the Act) requires Council to adopt a range of governance documents by 1<sup>st</sup> September 2020, including:

- Governance Rules
- As part of the Governance Rules – Council’s Election Period Policy
- Public Transparency Policy
- Council Expenses Policy

Section 60 (4) requires Council to ensure that a process of community engagement is followed in developing its Governance Rules.

#### **ISSUE / DISCUSSION**

In accordance with section 60 of the *Local Government Act 2020* (the Act), and Act implementation requirements as detailed under s.60(7), Council must adopt Governance Rules prior to 1<sup>st</sup> September 2020.

Governance Rules must include provisions in respect of:

- Council meeting procedures and conduct
- Meeting procedures and conduct of Delegated Committee meetings
- Mayoral elections
- Disclosure of conflicts of interest procedures

s.60(1)(3) and s.69 of the Act requires Council’s Election Period Policy to be included as part of the Governance Rules and this is included as Governance Rules Appendix A. This Policy remains the same as that adopted by Council in December 2019.

Governance Rules replace meeting rules currently provided as part of Local Law No.1 and it is proposed that this document be amended in preparation for consideration immediately following the general election.

Implementation of the Act requires other governance related documents to be developed or reviewed, and adopted by 1<sup>st</sup> September 2020:

- Under s.57 of the Act – Public Transparency Policy
- Under s.41 of the Act – Council Expenses Policy

To complete this tranche of Council’s governance framework, although not required by the Act, a procedure for assigning Councillors as representatives to committees has also been drafted for Council’s consideration and adoption.



Section 60 (4) requires Council to ensure that a process of community engagement is followed in developing its Governance Rules. It was decided, for the purposes of full transparency, that all the governance related documents would be published for public consultation and feedback together for the four-week period between 10<sup>th</sup> July and 7<sup>th</sup> August 2020.

As part of the public consultation, submissions were invited and a date set for Council to hear these submissions on Tuesday, 11<sup>th</sup> August 2020. No submissions were received as part of this consultation process.

Documents subject to this report are attached for Council consideration and adoption.

### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Implementation of the *Local Government Act 2020* requires a range of governance-related documents to be implemented by 1<sup>st</sup> September 2020: Governance Rules and Election Period Policy [s.60], Public Transparency Policy [s.57], and Council Expenses Policy [s.41].

### **ATTACHMENTS**

- 13.8.1 Governance Rules 2020
- 13.8.2 Governance Rules Appendix B – PSC Election Period Policy 2020
- 13.8.3 Public Transparency Policy 2020
- 13.8.4 Councillor Expenses Policy 2020
- 13.8.5 Procedure – Assigning Councillors to Committees

### **FINANCIAL / RISK IMPLICATIONS**

The primary risk category associated with non-implementation of governance documents in accordance with the Act is compliance breaches. This risk has been managed through putting forward appropriate documents in this report for Council adoption in accordance with implementation requirements designated in the Act.

### **CONCLUSION**

The Act requires all Victorian councils to adopt various governance documents on or before 1<sup>st</sup> September 2020, including: Governance Rules, Election Period Policy [as part of the Governance Rules], Public Transparency Policy, and Council Expenses Policy. To complement the governance framework, a procedure for assigning Councillors to committees is also submitted for Council adoption.

### **CR CLARK / CR VANCE**

That Council:

1. Adopts the following governance documents:
  - Governance Rules 2020
  - Governance Rules Appendix A: PSC Election Period Policy
  - Council Expenses Policy
  - Public Transparency Policy
  - Procedure – Assigning Councillors to Committees; and
2. Publishes these documents to its website for public information; and
3. Commences the process to amend the Local Law No.1 to remove provisions relating to meeting procedures.

**CARRIED**

### **13.9 2020 STATUTORY MEETING – CHANGE OF MEETING DATE**

**Kathy Bramwell – Director Corporate and Community Services**

**Declaration of Interest:** As author of this report I have no disclosable interest in this item.

**File No:** 16/17/02

#### **PURPOSE**

The purpose of this report is for Council to resolve on a change of date for the 2020 Statutory Meeting.

#### **BACKGROUND**

A 2020 schedule of meetings was adopted by Council in December 2019. The schedule included provision of the annual statutory meeting in October 2020, without a date being specified. Uncertainty around the timing of the 2020 Victorian Local Government General Election declarations prevented a firm date being set.

The Statutory Meeting in 2020 is required for Councillors, following the general election, to take the oath or affirmation of office, elect a Mayor and assign Councillors as representatives on committees.

Section 31 of the Local Government Act 2020 requires a person elected to be a Councillor to take the oath or affirmation of office within 3 months of the day on which the person was declared elected.

#### **ISSUE / DISCUSSION**

Clarification has been received around scheduled declarations of the 2020 general election outcomes with the final declaration date being set at Friday 13<sup>th</sup> November 2020.

Statutory Meetings to enable elected Councillors to take the oath or affirmation of office must not be held until after that date. Councillors cannot act in their elected position until they have taken the oath or affirmation of office.

Council's adopted 2020 schedule of meetings provides for an Ordinary Meeting of Council to be held on Tuesday, 17<sup>th</sup> November 2020. This is the first Tuesday following the declaration date of 13<sup>th</sup> November 2020.

It is requested that Council resolve to:

1. Schedule the 2020 Statutory Meeting of the Pyrenees Shire Council for 6.00 pm on Tuesday, 17<sup>th</sup> November 2020, to be held at the Lexton Community Centre.
2. Reschedule the November Ordinary Meeting to 6.00 pm on Tuesday, 24<sup>th</sup> November 2020, to be held at the Beaufort Council Offices.

#### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Section 30(1) of the Local Government Act 2020 requires that a person elected to be a Councillor is not capable of acting as a Councillor until the person has taken the oath or affirmation of office in the manner prescribed by the regulations.

Section 30(2) of the Local Government Act 2020 provides that the oath or affirmation of office must be –

- (a) Administered by the Chief Executive Officer, and
- (b) Dated and signed before the Chief Executive Office, and
- (c) Recorded in the minutes of the Council, whether or not the oath or affirmation was taken at a Council meeting.

#### **ATTACHMENTS**

Nil

## **FINANCIAL / RISK IMPLICATIONS**

Council has made provisions in its 2019-2020 budget to meet the costs associated with meetings of Council. The office of a Councillor becomes vacant if a person elected to be a Councillor does not take the oath or affirmation of office within 3 months after the day on which the person was declared elected.

## **CONCLUSION**

Persons elected as a Councillor cannot act as a Councillor until the person has taken the oath or affirmation of office. Persons elected as Councillors will be declared on 13<sup>th</sup> November 2020. The 2020 Statutory Meeting cannot be held until after the declaration date and Council is requested to determine an appropriate date for this meeting in 2020.

## **OFFICER RECOMMENDATION**

That Council:

1. Agrees for the 2020 Statutory Meeting of the Pyrenees Shire Council to be held at 6.00pm on Tuesday, 17<sup>th</sup> November 2020, at the Lexton Community Centre for the purposes of:
  - a. Newly elected Councillors to take the oath or affirmation of office,
  - b. Elect the Mayor for the next 12 months, and
  - c. Assign Councillors as representatives on committees.
2. Agrees that the November Ordinary Meeting of Council be held at 6.00pm on Tuesday, 24<sup>th</sup> November 2020, at the Beaufort Council Offices or virtually as required by Government direction.

## **CR EASON / CR FERRARI**

That Council:

1. Agrees for the 2020 Statutory Meeting of the Pyrenees Shire Council to be held at 6.00pm on Tuesday, 17<sup>th</sup> November 2020, at the Lexton Community Centre for the purposes of:
  - a. Newly elected Councillors to take the oath or affirmation of office,
  - b. Elect the Mayor for the next 12 months, and
  - c. Assign Councillors as representatives on committees.
2. Agrees that the November Ordinary Meeting of Council be held at 6.00pm on Tuesday, 24<sup>th</sup> November 2020, at the Avoca Hall Supper Room or virtually as required by Government direction.

**CARRIED**

## **13.10 RECONCILIATION ACTION PLAN – UPDATE ON RECONCILIATION ACTION PLAN (RAP) AND ACKNOWLEDGEMENT OF COUNTRY**

**Laura Buchanan – Emergency Management Coordinator**

**Declaration of Interest:** As author of this report I have no disclosable interest in this item.

**File No:** 16/20/06

### **PURPOSE**

The purpose of this report is to provide an update on the progress of the RAP and provide Council with a preferred Acknowledgement of Country.

### **BACKGROUND**

In February 2019, Council adopted the Reflect Reconciliation Action Plan (RAP). Pyrenees Shire Council was required to develop a RAP as per the Recognition and Settlement Agreement between the Dja Dja Wurrung People and the State of Victoria (RSA).

The initial RAP (Reflect) is a 12 month action plan that requires the formation of a working group (consisting of Traditional Owners, community members and other relevant parties) to implement a number of specific actions that focuses on the three pillars of 'Relationships', 'Respect' and 'Opportunities.' The action plan commenced from when the RAP was endorsed by Reconciliation Australia and is due for completion in October 2020, upon which a new RAP will be developed.

### **ISSUE / DISCUSSION**

Council's RAP is due for completion in three months' time. The progress report shows that despite challenges resulting from the COVID-19 pandemic, we are due to complete most actions by this time.

Some of the key actions in the RAP are to ensure appropriate Acknowledgement of Traditional Owners and better understand the landscape in which we operate in respect of Aboriginal and Torres Strait Islander people. This includes gaining a better understanding of the key stakeholders in our area, how to engage with Aboriginal and Torres Strait Islander peoples (including through employment and procurement) and learn about Aboriginal and Torres Strait Islander peoples' culture, including cultural protocols.

To correctly pay respect to all our Traditional Owners, a preferred wording has been developed and compiled in the Acknowledgement of Country attachment. An audio example has also been embedded in these slides to assist Councillors and staff with correct pronunciation. It also provides guidance as to when it is appropriate to give an Acknowledgement of Country.

### **COUNCIL PLAN / LEGISLATIVE COMPLIANCE**

Strategic Objective 2 - Relationships and Advocacy. We will build and maintain effective relationships with community, government and strategic partners, and advocate on key issues.

2.3 - Maintain strategic partnerships, and participate with peak bodies for support and to enhance advocacy.

### **ATTACHMENTS**

13.10.1 RAP progress report

13.10.2 Acknowledgement of Country slides with audio

### **FINANCIAL / RISK IMPLICATIONS**

Nil

## CONCLUSION

Council has made significant progress on the RAP, including undertaking significant research to ensure respectful Acknowledgement and engagement with Traditional Owners and Aboriginal and Torres Strait Islander communities. Council is on track to complete the majority of RAP actions by October 2020 and begin the development of its second RAP.

## OFFICER RECOMMENDATION

That Council endorses the use of the Acknowledgement of Country as worded below in appropriate circumstances, including Council meeting, events, Committee meetings and meetings when external agencies and Aboriginal and Torres Strait Islander people are present.

‘Pyrenees Shire Council acknowledges the Wadawurrung, Dja Dja Wurrung, Eastern Maar Peoples and Wotjobaluk, Jaadwa Jadawadjali, Wergaia and Jupagalk Nations whose land the Pyrenees Shire operates in.

We would like to acknowledge the [appropriate Traditional Owner/Aboriginal] People/s as the Traditional Owners of the land on which we meet today. We pay our respects to their Ancestors and Elders past and present and recognise them for their stewardship and continuing connection to Country.’

## A FORMAL MOTION WAS PUT FORWARD

## CR EASON

That Council lay the matter on the table

**CARRIED**

## CHIEF EXECUTIVE OFFICER

### 13.11 AUSTRALIA DAY 2021 AND 2022

**Jane Bowker – EA to CEO and Councillors**

**Declaration of Interest:** As author of this report I have no disclosable interest in this item.

**File No:** 04/06/04

#### PURPOSE

The purpose of this report is for Council to endorse a proposal that the Trawalla Hall & Recreation Reserve Committee and the Avoca Country Women’s Association host the Pyrenees Shire Australia Day event in 2021 and 2022 respectively.

#### BACKGROUND

In March 2019, Council called for expressions of interest from communities that wished to support Council in holding the official Australia Day celebrations for the next five years. Community groups need to be able to provide a suitable venue and be able to arrange a morning / afternoon tea and/or BBQ with Council organising the formal part of the celebration.

No expressions were received by the closing date.

A further call for expressions was advertised in August 2019 with two community groups submitting expressions of interest.

#### ISSUE / DISCUSSION

The expressions Council received were from the Trawalla Hall & Recreation Reserve Committee and the Avoca Country Women’s Association. Council appreciates the interest shown from these groups and is now in a position to plan for the 2021 and 2022 events.

The following is proposed:

| YEAR | TOWNSHIP | HOST ORGANISATION                     |
|------|----------|---------------------------------------|
| 2021 | Trawalla | Trawalla Recreation Reserve Committee |
| 2022 | Avoca    | Avoca Country Women’s Association     |

#### COUNCIL PLAN / LEGISLATIVE COMPLIANCE

Strategic Objective 3 - Community Connection and Wellbeing. We will engage with communities to provide responsive, efficient services that enhance the quality of life of residents and promote connected, active and resilient communities.

3.3 - Community Development - Supporting communities to build connections, capacity and resilience.

#### ATTACHMENTS

Nil

#### FINANCIAL / RISK IMPLICATIONS

Provision has been made in the 2020/21 budget for the 2021 Australia Day ceremony. It is intended to make provision in the 2021/22 budget for the 2022 event. Community groups are to arrange catering with all costs of food and other requirements covered by Council. A donation of \$500 is made to the community group hosting the day. The community is required to supply in-kind support.

## **CONCLUSION**

Each year the Australia Day event is organised in partnership with a community group. It is an opportunity for the community to showcase their area with art, photographic / historical displays or any other activity that highlights the assets of the area and its residents. There may be some uncertainty at present around how the 2021 Australia Day event will be hosted, due to the pandemic. However, Council would like to be in a state of preparedness ready to hold the event when restrictions have eased.

Expressions of interest would be welcomed from interested community groups to host an Australia Day event beyond 2022.

## **CR CLARK / CR FERRARI**

That Council:

1. Endorses the hosting of Australia Day Events 2021 by Trawalla Hall & Recreation Reserve Committee in Trawalla.
2. Seeks further expressions of interest from communities for hosting Australia Day event for 2022 and beyond.

**CARRIED**

## 14. COUNCILLOR REPORTS AND GENERAL BUSINESS

### Cr Eason

- Attended the U3A AGM. U3A is a smaller group of dedicated members that provide entertainment/services for our community. They also provide education programs for elderly people and the group is an integral part of our community.
- Involved with the Maryborough District Health Service. The CEO is moving on and was very supportive of the Avoca community. Would like to send a letter of thank you to CEO Terry Welch for his service and support of the Avoca community.

### Cr Vance

- Attended the Timber Towns Victoria meeting on 13 August. A taskforce has been formed to question the decision by the Premier to close native forests to harvesting. Closure will have a detrimental affect on the timber industry. The taskforce is seeking that the Premier revisit the decision.
- Joined the Rural Councils Victoria meeting. The following items were discussed:
  - Had an address from the consultants working in the advocacy space. Need a coordinated effort between city and rural following COVID19 to have city-based businesses move to rural areas.
  - Aged care situation in Victoria needs improving. There is plenty of opportunity to establish aged care units in rural areas.
  - Address from Local Government Victoria. Small rural councils are finding it difficult to produce the documents required under the new LG Act due to lack of resources.
  - Council elections were discussed and it seems that the elections will be going ahead.
  - The Chair and Deputy Chair met with Ministers to promote the opportunities for rural Victoria.
  - There was discussion around promoting tourism. There is a push to get funding to encourage tourism.
  - The cross-border issues were discussed. Since then it has been announced that the cross-border issues, in particular around agriculture, have been resolved.
  - The Population Attraction and Retention toolkits will be released soon.
- Would like to congratulate Council's outdoor staff for their work on the back roads.

### Cr Ferrari

- Attended Minister Pulford's announcement for the Beaufort water recycling project.
- Met with the Friends of the Lake group. Discussions on improving the foreshore of the Beaufort Lake are ongoing.
- Had discussions with the Beaufort Bowling Club around the proposal to install a synthetic bowling green.
- Believe there will be a catching up of meetings across the municipality for community groups when the restrictions are lifted. Some groups haven't been able to meet and will need support.

### Cr Clark

- We are having an amazing season, farming wise.
- Great to see the work being done on drought relief bores at Waterloo and Glenbrae.
- Community grants in Ercildoune Ward been very well received.

### Cr Kehoe

- Had meetings with Minister Dan Tehan, Andy Meddick MP and Dr Anne Webster MP recently.
- Council is undertaking work in the municipality to ensure our residents are protected (COVID).
- Working on tourism and business sectors following COVID with the development of the Economic Development Taskforce.



- Farming wise, it has been a good season so far particularly for our agricultural sectors.
- Transfer stations will be changing from voucher system to using a rates notice system. More information will be forthcoming.
- Thanks to community members who continue to recycle.
- Congratulations to parents for moving to home based schooling again. It is a different time with juggling parenting, schooling and working. Teachers have been amazing in the way they have been home schooling.
- So many heartening things have been happening in Snake Valley such as community members supporting vulnerable members and cleaning up rubbish from the area etc. Thanks to all those who support others.
- The skate park in Snake Valley will be built very soon and also the BBQ shelter has been improved.

## 15. CLOSE OF MEETING

Meeting closed at 7:29pm

Minutes of the meeting confirmed \_\_\_\_\_

2020

Mayor